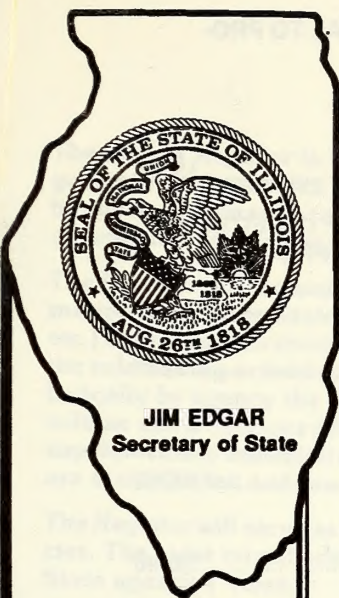


Illinois register
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ILLINOIS REGISTER

Rules of Governmental Agencies

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ISSUE 33

A WEEKLY PUBLICATION

AUGUST 18
1989

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Administrative Code Div.
201 West Monroe
Springfield, IL 62756
(217) 782-9786

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
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June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

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DEPARTMENT ON AGING
NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Older Americans Act Programs

2) Code Citation: 89 Ill. Adm. Code 230

3) Section Numbers: Proposed Action:

230.360 Amendment
230.362 Amendment
230.364 Amendment
230.365 Amendment

4) Statutory Authority: Ill. Rev. Stat., 1987, Ch. 23, Sections 6104.01(4), (11), and (12); and 6105.02

5) A Complete Description of the Subjects and Issues Involved:

These proposed amendments correct applicable references to the Government Auditing Standards and delete references to obsolete federal publications; replace references to area agencies with "grantee" and "audited entity" to allow applicability to all entities receiving financial assistance from the Department; change the due date for the required audit engagement agreement from three months to two months after the end of the fiscal year to be audited; and change the due date for submitting an annual audit from no later than nine months to no later than six months after the end of the fiscal year audited.

6) Will this proposed rule replace an emergency rule currently in effect?
Yes ☒ No ☐

7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

8) Does this proposed amendment contain incorporations by reference?

Yes, pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments on this Part? No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments may be submitted until September 18, 1989 to:

Melvin E. Koch
Policy and Rules Supervisor

ILLINOIS REGISTER
DEPARTMENT ON AGING
NOTICE OF PROPOSED AMENDMENTS

Illinois Department on Aging
421 East Capitol Avenue
Springfield, Illinois 62701

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 8, 1989
- B) Types of small businesses affected:
Area Agencies on Aging and service providers under the Older Americans Act program.
- C) Reporting, bookkeeping or other procedures required for compliance:
No change from previously established requirements.
- D) Types of professional skills necessary for compliance:
No change from previously established requirements.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 230
OLDER AMERICANS ACT PROGRAMS

SUBPART A: STATE AGENCY

Section	Designation and Function
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230.20	State Plan
230.30	State Agency Requirements
230.40	Advocacy
230.41	Long-Term Care Ombudsman Program
230.42	Service Delivery Systems Responsibilities
230.43	State Advisory Council
230.44	Intrastate Funding Formula
230.45	Hearings
230.46	Designation of Planning and Service Areas
230.47	

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Section	Designation and Function
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230.150	

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Section	Direct Provision of Services by the Department and Area Agencies on Aging
230.210	Planning, Coordination and Provision of Services Funded Under Other Programs
230.220	Licensure and Safety Requirements
230.230	Provider Requirements
230.240	Services
230.250	

SUBPART D: FISCAL REQUIREMENTS

Section	Types of Allotments
230.310	Limitations on Use
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230.330	

230.340	Obligation of Allotments
230.350	Maintenance of Effort: Non-Federal Share
230.360	General Financial and Compliance Requirements
230.361	Purpose of Financial and Compliance Audits
230.362	Audit Engagement Letter
230.363	Distribution of the Cost of a Unified Audit
230.364	Scope of the Financial and Compliance Audit
230.365	Audit Reports
230.370	Program and Financial Reviews

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230.430	Arrangements for Hearings
230.440	

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Section	Target Population
230.510	Eligibility Criteria
230.520	Eligibility Determination
230.530	Allowable Services
230.540	Maintenance of Effort
230.550	Coordination of Services
230.560	Distribution of Funds
230.570	Area Agency on Aging Administration
230.580	

AUTHORITY: Implementing the Illinois Act on the Aging (Ill. Rev. Stat. 1987, ch. 23, pars. 6101 et seq.) and the Older Americans Act (42 U.S.C.A., 3001 et seq.) and authorized by Section 4.01 of the Illinois Act on the Aging (Ill. Rev. Stat. 1987, ch. 23, par. 6104.01).

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; amended at 6 Ill. Reg. 7379, effective June 16, 1982; codified at 7 Ill. Reg. 5178; amended at 7 Ill. Reg. 9132, effective July 27, 1983; amended at 8 Ill. Reg. 9330, effective June 15, 1984; amended at 9 Ill. Reg. 5297, effective April 8, 1985; amended at 10 Ill. Reg. 5787, effective March 27, 1986; rescinded at 10 Ill. Reg. 7653; amended at 10 Ill. Reg. 14616, effective August 26, 1986; amended at 11 Ill. Reg. 3856, effective February 17, 1987; amended at 11 Ill. Reg. 7586, effective April 8, 1987; amended at 11 Ill. Reg. 12540, effective October 1, 1987; emergency amendments at 12 Ill. Reg. 15869, effective July 15, 1988, for a maximum of 150 days, expired December 12, 1988, expired December 12, 1988; amended at 13 Ill. Reg. 2015, effective February 1, 1989; amended at 13 Ill. Reg. 3054, effective March 1, 1989; amended at 13 Ill. Reg. _____, effective _____.

DEPARTMENT ON AGING

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Section 230.360 General Financial and Compliance Requirements

- a) All grantees and contractors who receive financial assistance through the Illinois Department on Aging must obtain a financial and compliance audit of their aging program operations. Such financial and compliance audits must be made in accordance with generally accepted auditing standards, including the standards of:

1) the U.S. General Accounting Office's publications, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions Government Auditing Standards (43 CFR 12 45 CFR 92, October 1, 1985 1988, no later editions or amendments included) and Guidelines for Financial and Compliance Audits of Federally Assisted Programs, and

2) any specific audit instructions issued by the Illinois Department on Aging.

- b) Financial and Compliance Audits shall be performed by a licensed firm of Certified Public Accountant(s) in good standing who are sufficiently independent of those who authorize the expenditure of Older Americans Act or related funds (e.g., interest income, local cash, in-kind contributions, project income), including the matching funds provided, in order to produce unbiased opinions, conclusions or judgments. They shall meet the independence criteria outlined in Chapter 3, Part 3 11, of the U.S. General Accounting Office publication, Government Auditing Standards for Audit of Governmental Organizations, Programs, Activities and Functions (43 CFR 12 45 CFR 92, October 1, 1985 1988, no later editions or amendments included). In instances where the grantee is an agency of a unit of general purpose government, the grantee may contract with the audit division thereof subject to the prior approval of the Illinois Department on Aging and subject to the requirements of Section 230.363.

c) Financial and Compliance Audits must be conducted annually.

- d) Where an aging project is operated within a multipurpose organization or one which operates more than one aging project, the grantee may obtain an organization-wide financial compliance audit so long as the audit procedures used and the audit report address the aging project specifically. Also, the portion of the audit expense charged to the Older Americans Act or other Illinois Department on Aging-administered funds must be proportional to the share of the audit dealing with the project.

- e) Each grantee must establish a procedure for reviewing financial and compliance audit reports and responding to recommendations.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 230.362 Audit Engagement Letter

- a) An area agency Grantees will ensure that the contract with the auditor is covered by an audit engagement letter which, at a minimum, must include:

1) Scope of the audit.

2) Audit Period.

3) Type of audit.

4) Provision for an expression of positive assurance on the compliance of the audited entity with regulatory requirements (described in Section 230.361) for tested items, and negative assurances for untested items.

5) Provision for a letter of non-material finding(s) (minor discrepancies found in the audit and not included in the report) developed in the audit and excluded from the report.

6) Basis for allocation of fee. The cost of the audit shall be distributed to all sources of funds based on a reasonable distribution plan.

7) Due date for submission of the final and compliance audit.

8) Submission of one full, complete copy of the compliance audit working papers to the audited entity.

9) Any additional terms, agreements or relationships imposed by the area agency grantee or the auditor affecting the audit agreement.

- b) The Audit Engagement Agreement must be submitted to the Department for approval no later than three (3) two (2) months after the end of the fiscal year to be audited.

c) The Department (Division of Administrative Compliance, Financial Compliance/Audit Review Section) will approve or deny the engagement terms on the basis of the content of the audit engagement agreement specified in the audit engagement letter. The audit engagement agreement will be denied for any of the following reasons:

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- 1) The audit engagement agreement does not meet the minimum content required by subsection (a);
- 2) The basis of allocation of the audit fee is not deemed to be reasonable because the percentage of the fee charged to each funding source or program does not represent the proportion of funds expended from each source or program relative to total funds expended for the audit period;
- 3) The terms of the agreement do not comply with rule provisions governing audits, as specified in Sections 230.360 - 230.365.

Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 230.364 Scope of the Financial and Compliance Audit

The scope of the financial and compliance audit must include, but not necessarily be limited to the following:

- a) Each governmental grantee is responsible for securing its own non-Federal organization-wide financial and compliance audit.
- b) Each non-profit grantee is responsible for securing its own non-Federal program financial and compliance audit. A non-profit grantee may elect to have an organization-wide financial and compliance audit performed in lieu of a program audit.
- c) Commercial for-profit organizations having cost-type contracts (i.e., the vendor is reimbursed for the actual allowable costs spent) with area agencies are required to secure a contract audit. Provided there has been an advertised or competitively-negotiated contract award, a fixed-price or fixed reimbursement rate contract, whether awarded to commercial or non-profit organizations need not be audited, although grantees are required to institute staff inspections to ensure the adequacy of the quality and quantity of services or goods delivered.
- d) Audit of the area agency's grantee's financial records for the period beginning with the start of the grant or starting from the last prior audit, whichever is later.
- e) Audit of the degree of the grantee's conformance in complying with significant compliance requirements (as specified in OMB publication "Compliance Supplement for Single Audits for State and Local Governments") that could have a material effect upon the grantee's program.
- f) Organization-wide audits are to be performed on the basis of the

area agency's grantee's fiscal year. Program audits may be performed either on the area agency's grantee's fiscal year or the grant's program year.

- g) Review of the propriety of expenditures as specified in OMB Circular A-122 and OMB Circular A-87 (43 CFR 12, October 1, 1985, no later editions or amendments included), as applicable, under the terms of the grant or contract and U.S. Department of Health and Human Services and the Illinois Department on Aging policies and guidelines.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 230.365 Audit Reports

- a) The auditor must submit the following reports to the area agency audited entity:
 - 1) Financial statements and opinion on the financial statements. Financial statements must identify each grant program.
 - 2) Statement of Area Agency Audited Entity Budgets, Expenditures and Balances by line item for each grant program.
 - 3) A separate opinion regarding the internal control of the agencies and reference to any deficiencies and recommendations for improving them.
 - 4) A list of any costs which vary with prevailing Federal laws and regulations, compliance requirements in Compliance Supplement to OMB Circular A-128, OMB Circulars (e.g., A-122, A-102, A-110, A-87), 45 CFR 74 (October 1, 1987, no later editions or amendments included), prevailing State laws and rules of the Department including those specified in 89 Ill. Adm. Code 210.40.
 - 5) A separate opinion as to extent of compliance with prevailing Federal regulations as promulgated in the Supplement to OMB Circular A-128 and State laws and rules of the Illinois Department on Aging.
 - 6) A letter of representation prepared on the audited entity's letterhead stationery shall be signed by the Chairman of the Board or officially authorized representative and the Financial Officer of the audited entity when agreement has been reached on the content of the audit.
 - 7) As part of the audit report, the auditor will inventory all

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NOTICE OF PROPOSED AMENDMENTS

subgrantees' and contractors' audit reports for compliance with OMB Circulars A-110 or A-128 (45 CFR 74, Appendix J, October 1, 1987, no later editions or amendments included), as applicable, and summarize the findings of each and the area agency's disposition of any questioned costs.

8) Such other statements and narratives deemed appropriate in the professional judgment of the auditor.

b) Upon completion of the field work, the auditor must hold an exit conference with senior officials of the grantee organization.

1) The grantee must contact the Department to inform it of the time and place of the exit conference, at least one week in advance of the proposed date, when possible;

2) The Department will inform the grantee if any information beyond the audit proposal or final audit report will be required to be made available to the Department prior to the exit conference.

c) A copy of area agency grantee independent annual audit must be submitted to the Department within thirty (30) days after completion (due date established in the Audit Engagement Agreement) but no later than nine (9) six (6) months after the end of the fiscal year audited.

d) If any deficiencies or recommendations are included in the audit report, the area agency grantee must indicate how it proposes to take corrective action.

e) State agency actions:

1) The Department shall subsequently monitor the area agency grantee to verify that actions are being taken to fulfill audit recommendations.

2) If audit findings of an area agency grantee indicate a condition specified in Section 230.140(a)(1-4), the Department shall immediately begin suspension or termination procedures.

f) Area agencies Grantees will have a maximum of 180 days from the date of receipt of the final audit report to resolve any audit findings and/or questioned costs. Repayment must be completed based on any negotiated settlement.

1) Questioned costs will be disallowed if audit resolution does not occur within the 180 day time limitation or if

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documentation is inadequate to resolve questioned costs.

2) If questioned costs are deemed disallowed, a disallowance of questioned costs letter will be forwarded to the audited entity by the Department requesting a return of funds for the identified disallowed costs.

3) If unallowable costs are contained within the audit report, and thus disallowed, a letter will be forwarded to the audited entity by the Department requesting a return of funds for the identified unallowable costs. Unallowable costs can only be resolved by remittance of funds due.

4) Failure to remit funds due for either questioned costs deemed disallowed or unallowable costs within 30 days will necessitate the Department to take appropriate action against the grantee agency (e.g., legal, administrative, withholding of funds).

5) Audit resolution can take place any time within the 180 day timeframe.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Purchase and Sale of Electric Energy from Qualified Solid Waste Energy Facilities
- 2) Code Citation: 83 Ill. Adm. Code 445
- 3) Section Numbers:
- | | | |
|--------|-------------|-------------------------|
| 445.10 | New Section | <u>Proposed Action:</u> |
| 445.20 | New Section | |
| 445.30 | New Section | |
| 445.40 | New Section | |
| 445.50 | New Section | |
| 445.60 | New Section | |
| 445.70 | New Section | |
| 445.80 | New Section | |
- 4) Statutory Authority: Implementing Sections 8-403.1 and 9-215.1 of The Public Utilities Act and Section 3.1 of the Local Solid Waste Disposal Act and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 8-403.1, 9-215.1, and 10-101 and Ill. Rev. Stat. 1987, ch. 85, par. 5903.1).
- 5) A Complete Description of the Subjects and Issues Involved:
These rules are designed to implement Sections 8-403.1 and 9-215.1 of The Public Utilities Act and Section 3.1 of the Local Solid Waste Disposal Act. The rules establish a framework for the purchase by public utilities of electricity produced by co-generators or small power production facilities utilizing solid waste as a fuel source. The rules set a method for computing the purchase rate, set the terms and conditions of service, and detail the policy on tax credits.
- 6) Will these proposed rules replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed rules contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: The proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 4, 1989
- B) Types of small businesses affected: This rulemaking will affect those electric utilities and any qualifying facilities that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Filing procedures.
- D) Types of professional skills necessary for compliance: Managerial and engineering skills.

The full text of the Proposed Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER C: ELECTRIC UTILITIES

PART 445

PURCHASE AND SALE OF ELECTRIC ENERGY FROM QUALIFIED SOLID WASTE
 ENERGY FACILITIES

Section	Applicability
445.10	Definitions
445.20	Availability of Benefits
445.30	Terms and Conditions of Service
445.40	Reporting Requirements
445.50	Purchase Rates
445.60	Tax Credits
445.70	Remedy
445.80	

AUTHORITY: Implementing Sections 8-403.1 and 9-215.1 of The Public Utilities Act and Section 3.1 of the Local Solid Waste Disposal Act and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 8-403.1, 9-215.1, and 10-101 and Ill. Rev. Stat. 1987, ch. 85, par. 5903.1).

SOURCE: Adopted at Ill. Reg. , effective

Section 445.10 Applicability

This Part applies to each electric utility, as defined in Section 3-105 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 3-105).

Section 445.20 Definitions

"Act" means The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1-101 et seq.).

"Avoided Costs" means the incremental costs to the electric utility of electric energy which, but for the purchase from the qualified solid waste energy facility, the utility would generate itself or purchase from another source.

"Commission" means the Illinois Commerce Commission.

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"Economic Losses" means an increase in the electric utility's revenue requirements as a result of electric energy purchases from a qualified solid waste energy facility that is not recovered either from tax credits pursuant to this Part or from ratepayers.

"Electric Energy" refers to both the energy and capacity purchased by an electric utility from a qualified solid waste energy facility.

"Fuel Loading" means the total fuel consumed at a qualified solid waste energy facility during the reported or projected period in terms of million Btus.

"Qualified Solid Waste Energy Facility" means a facility that meets the criteria set forth in 18 CFR 292 in effect on January 1, 1989 (hereinafter referred to as 18 CFR 292), and the Local Solid Waste Disposal Act (Ill. Rev. Stat. 1987, ch. 85, par. 5901 et seq.), hereinafter referred to as the "Local Solid Waste Disposal Act," or an electric generating facility which uses methane gas generated from landfills and meets such requirements of 18 CFR 292. No incorporation of 18 CFR 292 in this Part includes any later amendment or edition.

"Qualifying Facility" means a cogeneration facility or a small power production facility which meets the criteria for qualification set forth in 18 CFR 292, Subpart B.

"Solid Waste" means "waste," as defined in Section 3.53 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1003.53), which is in solid or semi-solid form, provided that "solid waste" does not include that portion of material that is intended or collected to be recycled.

"Solid Waste Throughput Volume" means the yearly design capacity of a qualified solid waste energy facility when only solid waste is consumed as fuel.

Section 445.30 Availability of Benefits

- a) The benefits of this Part shall apply to any qualified solid waste energy facility. The owner(s) or operator of such a facility shall petition the Commission for a determination that the facility meets the requirements

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and criteria specified in the Act and this Part. These requirements include complying with the procedures for obtaining qualifying status set forth in 18 CFR 292 and with the Local Solid Waste Disposal Act.

- b) In demonstrating compliance with 18 CFR 292, the owner(s) or operator of a facility must file with the Commission a copy of:
 - 1) the notice filed with the Federal Energy Regulatory Commission pursuant to 18 CFR 292.207, or
 - 2) certification as a qualifying facility issued by the Federal Energy Regulatory Commission or a successor agency.

Section 445.40 Terms and Conditions of Service

- a) The electric utility shall negotiate terms and conditions of service with the owner(s) or developer(s) of a qualified solid waste energy facility in accordance with the utility's standard terms and conditions of service for small power producers compiled pursuant to 83 Ill. Adm. Code 430.40.
- b) Electric utilities shall be required to enter into long-term contracts to purchase electric energy from qualified solid waste energy facilities located in the electric utility's service area for a period beginning on the date the qualified solid waste energy facility begins generating electric energy, and continuing for a minimum of twenty years thereafter, or ten years in the case of qualified solid waste energy facilities fueled by methane gas generated from landfills.

Section 445.50 Reporting Requirements

- a) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually report to the Commission that the facility has met the certification requirements of the Illinois Environmental Protection Agency pursuant to the Local Solid Waste Disposal Act.

- b) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually certify to the Commission that solid waste is expected to comprise, at the minimum, 95 percent of the annual fuel loading for the following twelve months. In December of each year, the owner(s) or operator shall report the actual fuel loading for the twelve month period ending on November 30th of the same year. The use of natural gas, oil, or other fuels in connection with ignition, start-up, testing, flame stabilization and control, maintenance of minimum combustion temperatures, and during unanticipated outages of the solid waste sources shall not be included in any calculation of annual fuel loading.

- c) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually certify to the Commission that the solid waste throughput volume for the following twelve months shall, at a minimum, be 66 percent of the yearly design capacity of the facility. In December of each year, the owner(s) or operator shall report the throughput volume for the twelve month period ending on November 30th of the same year.

- d) The owner(s) or operator of a qualified solid waste energy facility shall notify the Commission and all electric utilities to which the facility sells electric energy within 30 days of the date of a decision by a court or agency of competent jurisdiction in which the facility loses its status under the Act or this Part. The notification shall state that the facility no longer qualifies, the reasons therefor, and the anticipated date when the facility shall again qualify under the Act or this Part.

- e) Displacement reports

- 1) Each electric utility shall report to the Commission in December of each year an estimate of the amounts and types of fuels displaced pursuant to Section 8-403.1(g) of the Act. Each utility also shall report an estimate of additional costs it incurred to alter its economic dispatch procedures pursuant to Section 8-403.1(g) of the Act. These

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costs may include added fuel costs caused by deviating from economic dispatch, computer software costs to alter plant dispatching, monitoring and control costs, as well as any other costs incurred to comply with Section 8-403.1(g) of the Act.

2) In the event that an electric utility is constrained from displacement of fuels by existing technical, contractual or other circumstances, the utility shall report such circumstances and show why displacement is not practicable. In case of a successful showing of cause for exemption from displacement, the utility need not comply with the reporting requirements of subsections (e) and (f).

f) Each electric utility shall report to the Commission in December of each year any economic loss it incurred during the twelve month period ending on November 30th of the same year in complying with the requirements of Section 8-403.1 of the Act and this Part.

g) Within 60 days of the signing of a contract with a qualified solid waste energy facility, each electric utility shall report to the Commission the amounts of electric energy contracted for each year of the contract period.

h) Each electric utility shall list separately in its monthly reports of tax credits to the Commission and the Illinois Department of Revenue:

- 1) any reasonable and necessary costs incurred in displacing electric energy from qualifying facilities because of purchases made pursuant to Section 8-403.1 of the Act, and
 - 2) its avoided total costs from electric energy purchases from qualified solid waste energy facilities and a breakdown of these costs into energy and capacity as defined by 83 Ill. Adm. Code 430.30.
- i) Each utility shall provide to all qualified solid waste energy facilities from which the utility purchases electric energy the information submitted to the Commission under subsections (e), (f), (g), (h) and (i), and a detailed breakdown of costs described in Section

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8-403.1(d)(ii) of the Act assigned to the qualified solid waste energy facility specified. A facility may file a petition with the Commission under Section 445.80 contesting the validity of the information.

j) In the event that a qualified solid waste facility fails to comply with the certification requirements of subsections (a), (b) or (c), or in the event the facility ceases to be in compliance with the qualifying requirements of this Part or Section 8-403.1 of the Act, provided that the owner(s) or operator of the facility makes efforts to remedy noncompliance, the facility shall have 90 days in which to cure its noncompliance. If at the end of the 90-day cure period the facility has failed to comply with the said requirements, the purchase rate provided in Section 445.60(b) shall be suspended until such time as the facility certifies that it has complied with this Part, which in the case of subsection (a) shall be at any time, and in the case of subsection (b) or (c) shall be for the latest 12 months of facility operation. If the facility continues to maintain its status as a qualifying facility, it shall receive during the suspension period the rate that the utility would have paid for purchases of electric energy from a qualifying facility pursuant to 83 Ill. Adm. Code 430.80.

Section 445.60 Purchase Rates

- a) Within 60 days of the effective date of this Part, each electric utility shall file and at all times thereafter have on file with the Commission tariffs or riders applicable to purchases of electric energy generated from qualified solid waste energy facilities.
- b) Each tariff or rider shall at a minimum include:
 - 1) the billing period;
 - 2) a reconciliation procedure; and
 - 3) the methodology for determining purchase rates, including the methodology for determining the rate at which free service would have been billed had it not been provided free of charge. The purchase rate contained in tariffs and riders shall be equal

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to the average price of electricity per kilowatt-hour (excluding amounts paid for street lighting and pumping) paid for by a unit or units of local government to the electric utility during the latest twelve month period, including free service electricity, if any, at the rate that the unit or units of local government would have been billed had the electricity not been provided free of charge.

- c) In the event that the purchase rate pursuant to Section 8-403.1(c) of the Act applicable to all electric energy purchased by a utility from qualified solid waste energy facilities is expected to result in monthly tax credits for a utility which will exceed its tax obligations under The Public Utilities Revenue Act (Ill. Rev. Stat. 1987, ch. 120, pars. 468 et seq.), qualified solid waste energy facilities shall be paid the purchase rate specified in Section 8-403.1(c) of the Act on a "first come, first served" basis determined from the date that the facility has obtained, and continues to hold, a valid development permit under Section 39 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1039) and, for facilities other than those fueled by methane gas generated from landfills, a service agreement with a unit or units of local government. Notice of said approval shall be provided to the Commission. After all available tax credits are used, remaining electric energy purchases from qualified solid waste energy facilities shall be paid at the elected rate under 83 Ill. Adm. Code 430.80, notwithstanding the contracted for purchase rate.

Section 445.70 Tax Credits

a) Calculation of monthly tax credit

- 1) Each utility shall calculate tax credits using the following formula to assure compliance with Section 8-403.1(d) of the Act.

$$C = P - (R - 0), \text{ where}$$

C = Public utility tax credit.

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P = Actual total dollar amount paid for purchases from a qualified solid waste energy facility applying the price specified in Section 445.60(b).

R = The total amount that the utility would have paid a qualified solid waste energy facility pursuant to 83 Ill. Adm. Code 430.80.

O = Any amounts in the form of reasonable and necessary costs incurred by a utility in displacing electric energy from qualifying facilities because of purchases made pursuant to Section 8-403.1(c) of the Act. Such costs shall include those incremental costs of system operation reasonably incurred by a utility (excluding those resulting from Section 445.60 of this Part) as a direct result of having to purchase electric energy from qualified solid waste energy facilities in lieu of purchasing equivalent amounts of electric energy from other qualifying facilities.

- 2) At the time the owner(s) or developer(s) of a qualified solid waste energy facility enters into a contract with an electric utility for the sale of electric energy to the electric utility, the owner(s) or developer(s) of a qualified solid waste energy facility may elect one of the methodologies specified in 83 Ill. Adm. Code 430.80. In the event of an impasse in negotiations between the utility and the facility, either party may request a determination of the issues by the Commission, based on the criteria in 83 Ill. Adm. Code 430.80.

b) Reimbursement by qualified solid waste energy facility

- 1) The owner(s) or operator of a qualified solid waste energy facility shall file with the Commission and the Illinois Department of Revenue a proposed reimbursement schedule. The schedule shall be filed no later than one year prior to the start of the reimbursement period. The schedule shall state the anticipated annual repayments over the reimbursement period.

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- 2) The starting date of reimbursement to the General Revenue Fund of tax credits accumulated for a qualified solid waste energy facility shall not exceed twenty years from the date the facility begins commercial operation, after all operational and acceptance testing has been completed. For an electric generating facility fueled by methane gas generated from landfills, the starting date of reimbursement shall not exceed ten years from the date the facility begins commercial operation, after all operational and acceptance testing has been completed.
- 3) The reimbursement payments of a qualified solid waste energy facility shall equal the sum of the tax credits accumulated under Section 8-403.1(d) of the Act.
- 4) All tax credits accumulated for a qualified solid waste energy facility shall be fully reimbursed by that facility to the General Revenue Fund by the end of the actual useful life of the facility.
- 5) In no event shall a utility be required to reimburse the General Revenue Fund for tax credits received under Section 8-403.1 of the Act or this Part.

c) Tax credit disputes

- 1) The Illinois Department of Revenue, the owner(s) or operator of any qualified solid waste energy facility, or the involved unit or units of local government may request a decision by the Commission concerning any costs relating to tax credits claimed by the utility, or any other tax credit dispute with a utility, in accordance with the Act or this Part.
- 2) Any petition by the Illinois Department of Revenue or a qualified solid waste energy facility requesting a decision pursuant to subsection (c)(1) shall comply with the Rules of Practice of the Illinois Commerce Commission (83 Ill. Adm. Code 200).

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Section 445.80 Remedy

A utility or a qualified solid waste energy facility may file a petition with the Commission alleging violation of the Act or this Part. Any petition filed pursuant to this Section shall comply with the Rules of Practice of the Illinois Commerce Commission (83 Ill. Adm. Code 200.).

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Employees' General Rights And Duties
2) Code Citation: 56 Ill. Adm. Code 2815
3) Section Numbers: Proposed Action:
2815.105 Amended Section
4) Statutory Authority: Ill. Rev. Stat., 1987, ch. 48, pars.
540, 610 and 611, as amended by P. A. 86-0003, effective July
1, 1989.

5) A Complete Description of the Subjects and Issues Involved:
The proposed amendment to Part 2815 brings this rule into conformity with a recent amendment to the statute that eliminates the provision which limited the maximum amount of delinquent spouse or child support deductible from unemployment insurance benefits to the amount of spouse or dependents' allowance provided for in Section 401 of the Act.

6) Will the proposed rule replace an emergency rule currently in effect? Yes.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives? Not Applicable.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small business.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 13269.

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Numbers: Proposed Action:
211.122 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1009.1 and 1027, as amended by H.B. 1688.
- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of July 27, 1989 in R89-8, which Opinion is available from the address below. Section 9.1 of the Environmental Protection Act, as amended by H.B. 1688 (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1009.1) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking implements at the State level a USEPA policy statement which appeared at 54 Fed. Reg. 1987, January 18, 1989, and which was pursuant to the Montreal Protocol on Substances That Deplete the Ozone Layer. This rulemaking adds four halocarbons to the list of exemptions from the definition of "Volatile Organic Material" ("VOM"). The halocarbons are thought not to contribute significantly to tropospheric ozone formation, and to have a negligible contribution to stratospheric ozone depletion. They are therefore good substitutes for chemicals which are thought to deplete stratospheric ozone. Exemption from the "VOM" definition would tend to promote their use.

This rulemaking is proposed now so that, in the event that the Governor signs H.B. 1688, the Board will be able to consider quick adoption. The Board has given expedited consideration to this matter at the request of the Illinois Environmental Regulatory Group (IERG), which has indicated that several of its members are ready to begin using these halocarbons as soon as the VOM definition has been modified.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.

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- 8) Does this proposed amendment contain incorporations by reference?

The Board has proposed no changes to the existing incorporations by reference.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 9.1 of the Environmental Protection Act. The statewide policy objectives are set forth in that Act. This rulemaking imposes no mandates on units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-8 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:

August 2, 1989

- B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which use volatile organic materials.

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require reporting, bookkeeping and other procedures. These are unchanged.

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D) Types of professional skills necessary for compliance:

None.

The full text of the Proposed Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS FOR
STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101
211.102

Incorporations by Reference
Abbreviations and Units

SUBPART B: DEFINITIONS

Section
211.121
211.122

Other Definitions
Definitions

Appendix A Rule into Section Table
Appendix B Section into Rule Table

AUTHORITY: Implementing Sections 9 and 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act, as amended by P.A. _____ (Ill. Rev. Stat. 1987, ch. 111, pars. 1009, 1010 and 1027 and 1989 Supp. to Ill. Rev. Stat., ch. 111, par. 1009.1)

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. _____, effective _____.

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SUBPART B: DEFINITIONS

Section 211.122 Definitions

"Accumulator": The reservoir of a condensing unit receiving the condensate from a surface condenser.

"Acid Gases": For the purposes of the Environmental Protection Act (the Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1009.4), hydrogen chloride, hydrogen fluoride and hydrogen bromide, which exist as gases, liquid mist, or any combination thereof.

"Actual Heat Input": The quantity of heat produced by the combustion of fuel using the gross heating value of the fuel.

"Aeration": The practice of forcing air through bulk stored grain to maintain the condition of the grain.

"Afterburner": A device in which materials in gaseous effluents are combusted.

"Air Dried Coating": Coatings that dry by the use of air or forced air at temperatures up to 363.15° K (194° F).

"Annual Grain Through-Put": Unless otherwise shown by the owner or operator, annual grain through-put for grain-handling operations, which have been in operation for three consecutive years prior to June 30, 1975, shall be determined by adding grain receipts and shipments for the three previous fiscal years and dividing the total by 6. The annual grain through-put for grain-handling operations in operation for less than three consecutive years prior to June 30, 1975, shall be determined by a reasonable three-year estimate; the owner or operator shall document the reasonableness of his three-year estimate.

"Architectural Coating": Any coating used for residential or commercial buildings or their appurtenances, or for industrial buildings which is site applied.

"Asphalt": The dark-brown to black cementitious material (solid, semisolid or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

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"Asphalt Prime Coat": A low-viscosity liquid asphalt applied to an absorbent surface as the first of more than one asphalt coat.

"Automobile": Any first division motor vehicle as that term is defined in the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars 1-100 et seq.).

"Automobile or Light-Duty Truck Manufacturing Plant": A facility where parts are manufactured or finished for eventual inclusion into a finished automobile or light-duty truck ready for sale to vehicle dealers, but not including customizers, body shops and other repainters.

"Batch Loading": The process of loading a number of individual parts at the same time for degreasing.

"Bead-Dipping": The dipping of an assembled tire bead into a solvent-based cement.

"British Thermal Unit": The quantity of heat required to raise one pound of water from 60° F to 61° F (abbreviated btu).

"Bulk Gasoline Plant": Any gasoline storage and distribution facility that receives gasoline from bulk gasoline terminals by delivery vessels and distributes gasoline to gasoline dispensing facilities.

"Bulk Gasoline Terminal": Any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, and distributes gasoline to bulk gasoline plants or gasoline dispensing facilities.

"Can Coating": The application of a coating material to a single walled container that is manufactured from metal sheets thinner than 29 gauge (0.0141 in).

"Certified Investigation" A report signed by Illinois Environmental Protection Agency (Agency) personnel certifying whether a grain-handling operation (or portion thereof) or grain-drying operation is causing or tending to cause air pollution. Such report must describe the signatory's investigation, including a summary of those facts on which he relies to certify whether the grain-handling or grain-drying operation is causing or threatening or allowing the discharge or emission of any contaminant into the environment so as to cause or tend to cause air pollution in Illinois,

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either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board (Board) under the Environmental Protection Act (Act). The certified investigation shall be open to a reasonable public inspection and may be copied upon payment of the actual cost of reproducing the original.

"Choke Loading": That method of transferring grain from the grain-handling operation to any vehicle for shipment or delivery which precludes a free fall velocity of grain from a discharge spout into the receiving container.

"Cleaning and Separating Operation": That operation where foreign and undesired substances are removed from the grain.

"Clear Coating": Coatings that lack color and opacity or are transparent using the undercoat as a reflectant base or undertone color.

"Closed Purge System": A system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow inducing devices that transport liquid or vapor from a piece or pieces of equipment to a control device, or return the liquid or vapor to the process line.

"Closed Vent System": A system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device, or return the gas or vapor to the process line.

"Coal Refuse": Waste products of coal mining, cleaning and coal preparation operations containing coal, matrix material, clay and other organic and inorganic material.

"Coating Applicator": Equipment used to apply a surface coating.

"Coating Line": An operation where a surface coating is applied to a material and subsequently the coating is dried and/or cured.

"Coating Plant": Any building, structure or installation that contains a coating line and which is

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located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control).

"Coil Coating": The application of a coating material to any flat metal sheet or strip that comes in rolls or coils.

"Cold Cleaning": The process of cleaning and removing soils from surfaces by spraying, brushing, flushing or immersion while maintaining the organic solvent below its boiling point. Wipe cleaning is not included in this definition.

"Complete Combustion": A process in which all carbon contained in a fuel or gas stream is converted to carbon dioxide.

"Component": Any piece of equipment which has the potential to leak volatile organic material including, but not limited to, pump seals, compressor seals, seal oil degassing vents, pipeline valves, pressure relief devices, process drains and open ended valves. This definition excludes valves which are not externally regulated, flanges, and equipment in heavy liquid service. For purposes of 35 Ill. Adm. Code 215. Subpart Q-435 ~~Ill. Adm. Code #157~~, this definition also excludes bleed ports of gear pumps in polymer service.

"Concentrated Nitric Acid Manufacturing Process": Any acid producing facility manufacturing nitric acid with a concentration equal to or greater than 70 percent by weight.

"Condensate": Hydrocarbon liquid separated from its associated gases which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

"Control Device": For purposes of Subpart Q, an enclosed combustion device, vapor recovery system, flare, or closed container.

"ConveyORIZED Degreasing": The continuous process of cleaning and removing soils from surfaces utilizing either cold or vaporized solvents.

"Crude Oil": A naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen

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derivatives of hydrocarbons and which is a liquid at standard conditions.

"Crude Oil Gathering": The transportation of crude oil or condensate after custody transfer between a production facility and a reception point.

"Custody Transfer": The transfer of produced petroleum and/or condensate after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

"Cutback Asphalt": Any asphalt which has been liquified by blending with petroleum solvents other than residual fuel oil and has not been emulsified with water.

"Degreaser": Any equipment or system used in solvent cleaning.

"Delivery Vessel": Any tank truck or trailer equipped with a storage tank that is used for the transport of gasoline to a stationary storage tank at a gasoline dispensing facility, bulk gasoline plant or bulk gasoline terminal.

"Distillate Fuel Oil": Fuel oils of grade No. 1 or 2 as specified in detailed requirements for fuel oil A.S.T.M. D-369-69 (1971).

"Dry Cleaning Facility": A facility engaged in the cleaning of fabrics using an essentially nonaqueous solvent by means of one or more solvent washes, extraction of excess solvent by spinning and drying by tumbling in an airstream. The facility includes, but is not limited to, washers, dryers, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

"Dump-Pit Area": Any area where grain is received at a grain-handling or grain-drying operation.

"Effective Grate Area": That area of a dump-pit grate through which air passes, or would pass, when aspirated.

"Effluent Water Separator": Any tank, box, sump or other apparatus in which any organic material floating on or entrained or contained in water entering such tank, box, sump or other apparatus is physically

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separated and removed from such water prior to outfall, drainage or recovery of such water.

"Emission Rate": Total quantity of any air contaminant discharge into the atmosphere in any one-hour period.

"End Sealing Compound Coat": A compound applied to can ends which functions as a gasket when the end is assembled on the can.

"Excess Air": Air supplied in addition to the theoretical quantity necessary for complete combustion of all fuel and/or combustible waste material.

"Excessive Release": A discharge of more than 295g (0.65 pounds) of mercaptans and/or hydrogen sulfide into the atmosphere in any five minute period.

"Existing Grain-Drying Operation": Any grain-drying operation the construction or modification of which was commenced prior to June 30, 1975.

"Existing Grain-Handling Operation": Any grain-handling operation the construction or modification of which was commenced prior to June 30, 1975.

"Exterior Base Coat": An initial coating applied to the exterior of a can after the can body has been formed.

"Exterior End Coat": A coating applied by rollers or spraying to the exterior end of a can.

"External Floating Roof": A storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which is supported by the petroleum liquid being contained and is equipped with a closure seal between the deck edge and tank wall.

"Extreme Performance Coating": Coatings designed for exposure to any of the following: the ambient weather conditions, temperatures above 368.15° K (203° F), detergents, abrasive and scouring agents, solvents, corrosive atmospheres, or other similar extreme environmental conditions.

"Fabric Coating": The coating of a textile substrate.

"Final Repair Coat": The repainting of any coating which is damaged during vehicle assembly.

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"Firebox": The chamber or compartment of a boiler or furnace in which materials are burned, but not the combustion chamber or afterburner of an incinerator.

"Flexographic Printing": The application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of elastomeric materials.

"Floating Roof": A roof on a stationary tank, reservoir or other container which moves vertically upon change in volume of the stored material.

"Freeboard Height": For open top vapor degreasers, the distance from the top of the vapor zone to the top of the degreaser tank. For cold cleaning degreasers, the distance from the solvent to the top of the degreaser tank.

"Fuel Combustion Emission Source": Any furnace, boiler or similar equipment used for the primary purpose of producing heat or power by indirect heat transfer.

"Fuel Gas System": A system for collection of refinery fuel gas including, but not limited to, piping for collecting tail gas from various process units, mixing drums and controls and distribution piping.

"Fugitive Particulate Matter": Any particulate matter emitted into the atmosphere other than through a stack, provided that nothing in this definition or in 35 Ill. Adm. Code 212. Subpart K shall exempt any source from compliance with other provisions of 35 Ill. Adm. Code 212 otherwise applicable merely because of the absence of a stack.

"Gas Service": Means that the component contains process fluid that is in the gaseous state at operating conditions.

"Gasoline": Any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

"Gasoline Dispensing Facility": Any site where gasoline is transferred from a stationary storage tank to a motor vehicle gasoline tank used to provide fuel to the engine of that motor vehicle.

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"Grain": The whole kernel or seed of corn, wheat, oats, soybeans and any other cereal or oil seed plant; and the normal fines, dust and foreign matter which results from harvesting, handling or conditioning. The grain shall be unaltered by grinding or processing.

"Grain-Drying Operation": Any operation, excluding aeration, by which moisture is removed from grain and which typically uses forced ventilation with the addition of heat.

"Grain-Handling and Conditioning Operation": A grain storage facility and its associate grain transfer, cleaning, drying, grinding and mixing operations.

"Grain-Handling Operation": Any operation where one or more of the following grain-related processes (other than grain-drying operation, portable grain-handling equipment, one-turn storage space, and excluding flour mills and feed mills) are performed: receiving, shipping, transferring, storing, mixing or treating of grain or other processes pursuant to normal grain operations.

"Green Tire Spraying": The spraying of green tires, both inside and outside, with release compounds which help remove air from the tire during molding and prevent the tire from sticking to the mold after curing.

"Green Tires": Assembled tires before molding and curing have occurred.

"Gross Heating Value": Amount of heat produced when a unit quantity of fuel is burned to carbon dioxide and water vapor, and the water vapor condensed as described in A.S.T.M. D-2015-66, D-900-55, D-1826-64 and D-240-54.

"Heavy Liquid": Liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.3° K (70° F) or 0.1 Reid Vapor Pressure as determined by A.S.T.M. method D-323; or which when distilled requires a temperature of 300° F or greater to recover 10% of the liquid as determined by A.S.T.M. method D-86.

"Heavy Metals": For the purposes of Section 9.4 of the Act, elemental, ionic, or combined forms of arsenic, cadmium, mercury, chromium, nickel and lead.

"Heavy, Off-Highway Vehicle Products": For the purposes

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of Section 215.204(k), heavy off-highway vehicle products shall include: heavy construction, mining, farming or material handling equipment; heavy industrial engines; diesel-electric locomotives and associated power generation equipment; and the components of such equipment or engines.

"Hot Well": The reservoir of a condensing unit receiving the condensate from a barometric condenser.

"Housekeeping Practices": Those activities specifically defined in the list of housekeeping practices developed by the Joint EPA - Industry Task Force and included herein under 35 Ill. Adm. Code 212.461.

"Incinerator": Combustion apparatus in which refuse is burned.

"Indirect Heat Transfer": Transfer of heat in such a way that the source of heat does not come into direct contact with process materials.

"In-Process Tank": A container used for mixing, blending, heating, reacting, holding, crystallizing, evaporating, or cleaning operations in the manufacture of pharmaceuticals.

"In-situ Sampling Systems": Nonextractive samplers or in-line samplers.

"Interior Body Spray Coat": A coating applied by spray to the interior of a can after the can body has been formed.

"Internal Transferring Area": Areas and associated equipment used for conveying grain among the various grain operations.

"Large Appliance Coating": The application of a coating material to the component metal parts (including but not limited to doors, cases, lids, panels and interior support parts) of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.

"Light-Duty Truck": Any second division motor vehicle, as that term is defined in the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95½, pars. 1-100 et seq.)

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weighing less than 3854 kilograms (8500 pounds) gross.

"Liquid-Mounted Seal": A primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof edge around the circumference of the roof.

"Liquid Service": Means that the equipment or component contains process fluid that is in a liquid state at operating conditions.

"Liquids Dripping": Any visible leaking from a seal including spraying, misting, clouding and ice formation.

"Load-Out Area": Any area where grain is transferred from the grain-handling operation to any vehicle for shipment or delivery.

"Low Solvent Coating": A coating which contains less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water-borne, higher solids, electro-deposition and powder coatings.

"Magnet Wire Coating": The application of a coating of electrically insulating varnish or enamel to conducting wire to be used in electrical machinery.

"Major Dump Pit": Any dump pit with an annual grain through-put of more than 300,000 bushels, or which receives more than 40% of the annual grain through-put of the grain-handling operation.

"Major Metropolitan Area (MMA)": Any county or group of counties which is defined by the following Table:

MAJOR METROPOLITAN AREAS IN ILLINOIS (MMA's)

MMA

COUNTIES INCLUDED IN MMA

Champaign-Urbana
Chicago

Champaign
Cook, Lake, Will, DuPage,
McHenry, Kane, Grundy,
Kendall, Kankakee
Macon

Decatur
Peoria

Peoria, Tazewell

Rockford

Winnebago

Rock Island -- Moline

Springfield

St. Louis (Illinois)

St. Clair, Madison

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Bloomington -- Normal McLean

"Major Population Area (MPA)": Areas of major population concentration in Illinois, as described below:

The area within the counties of Cook; Lake; DuPage; Will; the townships of Burton, Richmond, McHenry, Greenwood, Nunda, Door, Algonquin, Grafton and the municipality of Woodstock, plus a zone extending two miles beyond the boundary of said municipality located in McHenry County; the townships of Dundee, Rutland, Elgin, Plato, St. Charles, Campton, Geneva, Blackberry, Batavia, Sugar Creek and Aurora located in Kane County; and the municipalities of Kankakee, Bradley and Bourbonnais, plus a zone extending two miles beyond the boundaries of said municipalities in Kankakee County.

The area within the municipalities of Rockford and Loves Park, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Rock Island, Moline, East Moline, Carbon Cliff, Milan, Oak Grove, Silvis, Hampton, Greenwood and Coal Valley, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Galesburg and East Galesburg, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Bartonville, Peoria and Peoria Heights, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Pekin, North Pekin, Marquette Heights, Creve Coeur and East Peoria, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Bloomington and Normal, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Champaign, Urbana and Savoy, plus a zone extending two miles

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beyond the boundaries of said municipalities.

The area within the municipalities of Decatur, Mt. Zion, Harriestown and Forsyth, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Springfield, Leland Grove, Jerome, Southern View, Grandview, Sherman and Chatham, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the townships of Godfrey, Foster, Wood River, Fort Russell, Chouteau, Edwardsville, Venice, Nameoki, Alton, Granite City and Collinsville located in Madison County; and the townships of Stites, Canteen, Centreville, Caseyville, St. Clair, Sugar Loaf and Stookey located in St. Clair County.

"Manufacturing Process": A process emission source or series of process emission sources used to convert raw materials, feed stocks, subassemblies or other components into a product, either for sale or for use as a component in a subsequent manufacturing process.

"Metal Furniture Coating": The application of a coating material to any furniture piece made of metal or any metal part which is or will be assembled with other metal, wood, fabric, plastic or glass parts to form a furniture piece including, but not limited to, tables, chairs, wastebaskets, beds, desks, lockers, benches, shelving, file cabinets, lamps and room dividers. This definition shall not apply to any coating line coating metal parts or products that is identified under the Standard Industrial Classification Code for Major Groups 33, 34, 35, 36, 37, 38, 39, 40 or 41.

"Miscellaneous Fabricated Product Manufacturing Process":

A manufacturing process involving one or more of the following applications, including any drying and curing of formulations, and capable of emitting volatile organic material:

Adhesives to fabricate or assemble non-furniture components or products

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Asphalt solutions to paper or fiberboard

Asphalt to paper or felt
Coatings of dye to leather

Coatings to plastic

Coatings to rubber or glass

Curing of furniture adhesives in an oven which would emit in excess of 10 tons of volatile organic material per year if no air pollution control equipment were used

Disinfectant material to manufactured items

Plastic foam scrap or "fluff" from the manufacture of foam containers and packaging material to form resin pellets

Resin solutions to fiber substances

Rubber solutions to molds

Viscose solutions for food casings

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

"Miscellaneous Formulation Manufacturing Process":

A manufacturing process which compounds one or more of the following and is capable of emitting volatile organic material:

Adhesives

Asphalt solutions

Caulks, sealants or waterproofing agents

Coatings, other than paint and ink

Concrete curing compounds

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Dyes

Friction materials and compounds
Resin solutions

Rubber solutions

Viscose solutions

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

"Miscellaneous Metal Parts and Products": For the purpose of 35 Ill. Adm. Code 215.204, miscellaneous metal parts and products shall include farm machinery, garden machinery, small appliances, commercial machinery, industrial machinery, fabricated metal products and any other industrial category which coats metal parts or products under the Standard Industrial Classification Code for Major Groups 33, 34, 35, 36, 37, 38 or 39 with the exception of the following: coating lines subject to 35 Ill. Adm. Code 215.204(a)-(i) and (k), automobile or light-duty truck refinishing, the exterior of marine vessels and the customized top coating of automobiles and trucks if production is less than thirty-five vehicles per day.

"Miscellaneous Organic Chemical Manufacturing Process":

A manufacturing process which produces by chemical reaction, one or more of the following organic compounds or mixtures of organic compounds and which is capable of emitting volatile organic materials:

Chemicals listed in 35 Ill. Adm. Code 215. Appendix D.

Chlorinated and sulfonated compounds

Cosmetic, detergent, soap or surfactant intermediaries or specialties and products

Disinfectants

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Food additives

Oil and petroleum product additives

Plasticizers

Resins or polymers

Rubber additives

Sweeteners

Varnishes

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

"Mixing Operation": The operation of combining two or more ingredients, of which at least one is a grain.

"New Grain-Drying Operation": Any grain-drying operation the construction or modification of which is commenced on or after June 30, 1975.

"New Grain-Handling Operation": Any grain-handling operation the construction or modification of which is commenced on or after June 30, 1975.

"No Detectable Volatile Organic Material Emissions": A discharge of volatile organic material into the atmosphere as indicated by an instrument reading of less than 500 ppm above background as determined in accordance with 40 CFR 60.485(c).

"One Hundred Percent Acid": Acid with a specific gravity of 1.8205 at 30° C in the case of sulfuric acid and 1.4952 at 30° C in the case of nitric acid.

"One-Turn Storage Space": That space used to store grain with a total annual throughput not in excess of the total bushel storage of that space.

"Opacity": A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the

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purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed:

Opacity Percent	Ringelmann
10	0.5
20	1.
30	1.5
40	2.
60	3.
80	4.
100	5.

"Open Top Vapor Degreasing": The batch process of cleaning and removing soils from surfaces by condensing hot solvent vapor on the colder metal parts.

"Operator of Gasoline Dispensing Facility": Any person who is the lessee of or operates, controls or supervises a gasoline dispensing facility.

"Organic Material": Any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as solvents, viscosity reducers or cleaning agents, but excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates and ammonium carbonate.

"Organic Materials": For the purposes of Section 9.4 of the Act, any chemical compound of carbon, including diluents and thinners which are liquids at standard conditions and which are used as solvents, viscosity reducers or cleaning agents, and polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans and polynuclear aromatic hydrocarbons ~~shall be considered to be~~ are organic materials, while methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates and ammonium carbonate ~~shall not be considered to be~~ are not organic materials. ~~for the purposes of this Rev. Stat. 1987 ch. 117 par. 1009-4-1.~~

"Organic Vapor": Gaseous phase of an organic material or a mixture of organic materials present in the atmosphere.

"Overvarnish": A coating applied directly over ink or printing.

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"Owner of Gasoline Dispensing Facility": Any person who has legal or equitable title to a stationary storage tank at a gasoline dispensing facility.

"Packaging Rotogravure Printing": Rotogravure printing upon paper, paper board, metal foil, plastic film and other substrates, which are, in subsequent operations, formed into packaging products or labels for articles to be sold.

"Paint Manufacturing Plant": A plant that mixes, blends, or compounds enamels, lacquers, sealers, shellacs, stains, varnishes or pigmented surface coatings.

"Paper Coating": The application of a coating material to paper or pressure sensitive tapes, regardless of substrate, including web coating on plastic fibers and decorative coatings on metal foil.

"Particulate Matter": Any solid or liquid material, other than water, which exists in finely divided form.

"Petroleum Liquid": Crude oil, condensate or any finished or intermediate product manufactured at a petroleum refinery, but not including Number 2 through Number 6 fuel oils as specified in A.S.T.M. D-396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D-2880-71 or diesel fuel oils Numbers 2-D and 4-D, as specified in A.S.T.M. D-975-68.

"Petroleum Refinery": Any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation, cracking, extraction or reforming of unfinished petroleum derivatives.

"Pharmaceutical": Any compound or mixture, other than food, used in the prevention, diagnosis, alleviation, treatment or cure of disease in man and animal.

"Photochemically Reactive Material": Any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds any of the following individual percentage composition limitations. Whenever any photochemically reactive material or any constituent of any organic material may be classified from its chemical structure into more than

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one of the above groups of organic materials it shall be considered as a member of the most reactive group, that is, the group having the least allowable percent of the total organic materials.

A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic types of unsaturation: 5 percent. This definition does not apply to perchloroethylene or trichloroethylene.

A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.

A combination of ethylbenzene, ketones having branched hydrocarbon structures or toluene: 20 percent.

"Pneumatic Rubber Tire Manufacture": The production of pneumatic rubber tires with a bead diameter up to but not including 20.0 inches and cross section dimension up to 12.8 inches, but not including specialty tires for antique or other vehicles when produced on equipment separate from normal production lines for passenger or truck type tires.

"Polybasic Organic Acid Partial Oxidation Manufacturing Process": Any process involving partial oxidation of hydrocarbons with air to manufacture polybasic acids or their anhydrides, such as maleic anhydride, phthalic anhydride, terephthalic acid, isophthalic acid, trimellitic anhydride.

"Portable Grain-Handling Equipment": Any equipment (excluding portable grain dryers) that is designed and maintained to be movable primarily for use in a non-continuous operation for loading and unloading one-turn storage space, and is not physically connected to the grain elevator, provided that the manufacturer's rated capacity of the equipment does not exceed 10,000 bushels per hour.

"Portland Cement Process": Any facility manufacturing portland cement by either the wet or dry process.

"Power Driven Fastener Coating": The coating of nail, staple, brad and finish nail fasteners where such fasteners are fabricated from wire or rod of 0.0254 inch

diameter or greater, where such fasteners are bonded into coils or strips, such coils and strips containing a number of such fasteners, which fasteners are manufactured for use in power tools, and which fasteners must conform with formal standards for specific uses established by various federal and national organizations including Federal Specification FF-N-105b of the General Services Administration dated August 23, 1977 (does not include any later amendments or editions; U.S. Army Armament Research and Development Command, Attn: DRDAR-TST, Rock Island, IL 61201), Bulletin UM-25d of the U.S. Department of Housing and Urban Development - Federal Housing Administration dated September 5, 1973 (does not include any later amendments or editions; Department of HUD, 547 W. Jackson Blvd., Room 1005, Chicago, IL 60606), and the Model Building Code of the Council of American Building Officials, and similar standards. For the purposes of this definition, the terms "brad" and "finish nail" refer to single leg fasteners fabricated in the same manner as staples. The application of coatings to staple, brad, and finish nail fasteners may be associated with the incremental forming of such fasteners in a cyclic or repetitious manner (incremental fabrication) or with the forming of strips of such fasteners as a unit from a band of wires (unit fabrication).

"PPM (Vol) - (Parts per Million) (Volume)": A volume/volume ratio which expresses the volumetric concentration of gaseous air contaminant in a million unit volumes of gas.

"Pressure Release": The emission of materials resulting from system pressure being greater than set pressure of the pressure relief device.

"Pressure Tank": A tank in which fluids are stored at a pressure greater than atmospheric pressure.

"Prime Coat": The first film of coating material applied in a multiple coat operation.

"Prime Surface Coat": A film of coating material that touches up areas on the surface not adequately covered by the prime coat before application of the top coat.

"Process": Any stationary emission source other than a fuel combustion emission source or an incinerator.

"Process Unit": Components assembled to produce, as intermediate or final products, one or more of the chemicals listed in 35 Ill. Adm. Code 215. Appendix D. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

"Process Unit Shutdown": A work practice or operational procedure that stops production from a process unit or part of a process unit. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours is not a process unit shutdown. The use of spare components and technically feasible bypassing of components without stopping production is not a process unit shutdown.

"Process Weight Rate": The actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours of operation excluding any time during which the equipment is idle. For continuous processes, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours in one complete operation, excluding any time during which the equipment is idle.

"Production Equipment Exhaust System": A system for collecting and directing into the atmosphere emissions of volatile organic material from reactors, centrifuges and other process emission sources.

"Publication Rotogravure Printing": Rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements or other types of non-packaging printed materials.

"Purged Process Fluid": Liquid or vapor from a process unit that contains volatile organic material and that results from flushing or cleaning the sample line(s) of a process unit so that an uncontaminated sample may then be taken for testing or analysis.

"Reactor": A vat, vessel or other device in which

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chemical reactions take place.

"Reasonably Available Control Technology (RACT)": The lowest emission limitation that an emission source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

"Refinery Fuel Gas": Any gas which is generated by a petroleum refinery process unit and which is combusted at the refinery, including any gaseous mixture of natural gas and fuel gas.

"Refinery Unit, Process Unit or Unit": A set of components which are a part of a basic process operation such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

"Residual Fuel Oil": Fuel oils of grade No. 4, 5 and 6 as specified in detailed requirements for fuel oils A.S.T.M. D-396-69 (1971).

"Restricted Area": The area within the boundaries of any "municipality" as defined in the Illinois Municipal Code, plus a zone extending one mile beyond the boundaries of any such municipality having a population of 1000 or more according to the latest federal census.

"Ringelmann Chart": The chart published and described in the Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC7718) May 1, 1967, or any adaptation thereof which has been approved by the Agency.

"Roadway": Any street, highway, road, alley, sidewalk, parking lot, airport, rail bed or terminal, bikeway, pedestrian mall or other structure used for transportation purposes.

"Roll Printing": The application of words, designs and pictures to a substrate usually by means of a series of hard rubber or metal rolls each with only partial coverage.

"Rotogravure Printing": The application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is recessed relative to the non-image area.

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"Safety Relief Valve": A valve which is normally closed and which is designed to open in order to relieve excessive pressures within a vessel or pipe.

"Sandblasting": The use of a mixture of sand and air at high pressures for cleaning and/or polishing any type of surface.

"Sensor": A device that measures a physical quantity or the change in a physical quantity such as temperature, pressure, flow rate, pH, or liquid level.

"Set of Safety Relief Valves": One or more safety relief valves designed to open in order to relieve excessive pressures in the same vessel or pipe.

"Sheet Basecoat": A coating applied to metal when the metal is in sheet form to serve as either the exterior or interior of a can for either two-piece or three-piece cans.

"Shotblasting": The use of a mixture of any metallic or non-metallic substance and air at high pressures for cleaning and/or polishing any type of surface.

"Side-Seam Spray Coat": A coating applied to the seam of a three-piece can.

"Smoke": Small gas-borne particles resulting from incomplete combustion, consisting predominately but not exclusively of carbon, ash and other combustible material, that form a visible plume in the air.

"Smokeless Flare": A combustion unit and the stack to which it is affixed in which organic material achieves combustion by burning in the atmosphere such that the smoke or other particulate matter emitted to the atmosphere from such combustion does not have an appearance density or shade darker than No. 1 of the Ringelmann Chart.

"Solvent Cleaning": The process of cleaning soils from surfaces by cold cleaning, open top vapor degreasing or conveyORIZED degreasing.

"Specialty High Gloss Catalyzed Coating": Commercial contract finishing of material prepared for printers and lithographers where the finishing process uses a solvent-borne coating, formulated with a catalyst, in a

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quantity of no more than 12,000 gallons/year as supplied, where the coating machines are sheet fed and the coated sheets are brought to a minimum surface temperature of 190° F, and where the coated sheets are to achieve the minimum specular reflectance index of 65 measured at a 60 degree angle with a gloss meter.

"Splash Loading": A method of loading a tank, railroad tank car, tank truck or trailer by use of other than a submerged loading pipe.

"Stack": A flue or conduit, free-standing or with exhaust port above the roof of the building on which it is mounted, by which air contaminants are emitted into the atmosphere.

"Standard Conditions": A temperature of 70° F and a pressure of 14.7 pounds per square inch absolute (psia).

"Standard Cubic Foot (scf)": The volume of one cubic foot of gas at standard conditions.

"Startup": The setting in operation of an emission source for any purpose.

"Stationary Emission Source": An emission source which is not self-propelled.

"Stationary Storage Tank": Any container of liquid or gas which is designed and constructed to remain at one site.

"Submerged Loading Pipe": Any loading pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. When applied to a tank which is loaded from the side, any loading pipe the discharge of which is entirely submerged when the liquid level is 18 inches or two times the loading pipe diameter, whichever is greater, above the bottom of the tank. The definition shall also apply to any loading pipe which is continuously submerged during loading operations.

"Sulfuric Acid Mist": Sulfuric acid mist as measured according to the method specified in 35 Ill. Adm. Code 214.101(b).

"Surface Condenser": A device which removes a substance from a gas stream by reducing the temperature of the

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stream, without direct contact between the coolant and the stream.

"Synthetic Organic Chemical or Polymer Manufacturing Plant": A plant that produces, as intermediates or final products, one or more of the chemicals or polymers listed in 35 Ill. Adm. Code 215. Appendix D.

"Top Coat": A film of coating material applied in a multiple coat operation other than the prime coat, final repair coat or prime surfacer coat.

"Transfer Efficiency": The weight or volume of coating adhering to the material being coated divided by the weight or volume of coating delivered to the coating applicator and multiplied by 100 to equal a percentage.

"Tread End Cementing": The application of a solvent-based cement to the tire tread ends.

"True Vapor Pressure": The equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks" (1962).

"Turnaround": The procedure of shutting down an operating refinery unit, emptying gaseous and liquid contents to do inspection, maintenance and repair work, and putting the unit back into production.

"Undertread Cementing": The application of a solvent-based cement to the underside of a tire tread.

"Unregulated Safety Relief Valve": A safety relief valve which cannot be actuated by a means other than high pressure in the pipe or vessel which it protects.

"Vacuum Producing System": Any reciprocating, rotary or centrifugal blower or compressor, or any jet ejector or device that creates suction from a pressure below atmospheric and discharges against a greater pressure.

"Valves Not Externally Regulated": Valves that have no external controls, such as in-line check valves.

"Vapor Balance System": Any combination of pipes or hoses which creates a closed system between the vapor spaces of an unloading tank and a receiving tank such

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that vapors displaced from the receiving tank are transferred to the tank being unloaded.

"Vapor Collection System": All piping, seals, hoses, connections, pressure-vacuum vents, and other possible sources between the gasoline delivery vessel and the vapor processing unit and/or the storage tanks and vapor holder.

"Vapor Control System": Any system that prevents release to the atmosphere of organic material in the vapors displaced from a tank during the transfer of gasoline.

"Vapor-Mounted Primary Seal": A primary seal mounted with an air space bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.

"Vinyl Coating": The application of a topcoat or printing to vinyl coated fabric or vinyl sheets.

"Volatile Organic Liquid": Any liquid which contains volatile organic material.

"Volatile Organic Material":

Any organic material which participates in atmospheric photochemical reactions, unless specifically exempted from this definition. Volatile organic material emissions shall be measured by the reference methods specified under 40 CFR 60, Appendix A (1986) (no future amendments or editions are included), or, if no reference method is applicable, may be determined by mass balance calculations.

For purposes of this definition, the following are not volatile organic materials:

Chlorodifluoroethane (HCFC-142b)
Chlorodifluoromethane
Chloropentafluoroethane
Dichlorodifluoromethane
Dichlorofluoroethane (HCFC-141b)
Dichlorotetrafluoroethane
Dichlorotrifluoroethane (HCFC-123)
Ethane
Methane

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Methylene chloride
Tetrafluoroethane (HFC-134a)
~~1,1,1,2,2,2-Hexafluoroethane~~
Trichlorofluoromethane
Trichlorotrifluoroethane
Trifluoromethane

"Volatile Petroleum Liquid": Any petroleum liquid with a true vapor pressure that is greater than 1.5 psia (78 millimeters of mercury) at standard conditions.

"Wastewater (Oil/Water) Separator": Any device or piece of equipment which utilizes the difference in density between oil and water to remove oil and associated chemicals of water, or any device, such as a flocculation tank or a clarifier, which removes petroleum derived compounds from waste water.

"Weak Nitric Acid Manufacturing Process": Any acid producing facility manufacturing nitric acid with a concentration of less than 70 percent by weight.

"Woodworking": The shaping, sawing, grinding, smoothing, polishing and making into products of any form or shape of wood.

(Source: Amended at 13 Ill. Reg. effective)

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- 1) The Heading of the Part: Performance Criteria
- 2) Code Citation: 35 Ill. Adm. Code 306
- 3) Section Number: Proposed Action:
306.503 New Section
- 4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111, pars. 1010 and 1027)
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment exempts two locations in the City of Havana from 306.305(a) and 306.306(c) which require all combined sewer overflows to be given sufficient treatment to meet applicable effluent standards for all dry weather flows and the first flush of storm flows as determined by the Illinois Environmental Protection Agency.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
If "yes," please specify the date: _____
- 8) Does this proposed (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
Section Numbers: Proposed Action: Ill. Reg. Citation:
- 10) Statement of Statewide Policy Objective (if applicable)?
This is a site-specific rule making which applies only to the City of Havana. No other local units of government are affected.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should refer to docket R88-25 and be addressed to Ms. Dorothy M. Gunn, Clerk, Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601

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- 12) Initial Regulatory Flexibility Analysis (if applicable):
This is a site-specific rule which applies only to the City of Havana. Therefore, small businesses are not affected.
- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:
July 28, 1989
- B) Types of small businesses affected:
- C) Reporting, bookkeeping or other procedures required for compliance:
- D) Types of professional skills necessary for compliance:

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 306

PERFORMANCE CRITERIA

SUBPART A: SYSTEMS RELIABILITY

Section
306.101 Preamble
306.102 Systems Reliability
306.103 Combined Sewers and Treatment Plant Bypasses (Renumbered)
306.104 Intake Structures (Renumbered)
306.105 New Connections (Renumbered)

SUBPART B: INTAKE STRUCTURES

Section
306.201 Intake Structures

SUBPART C: COMBINED SEWERS AND TREATMENT PLANT BYPASSES

Section
306.302 Expansion of Combined Sewers
306.303 Excess Infiltration
306.304 Overflows
306.305 Treatment of Overflows and Bypasses
306.306 Compliance Dates

SUBPART D: EXCEPTION PROCEDURE

Section
306.350 Preamble
306.351 Notification and Submittals by Discharger
306.352 Notification by Agency
306.360 Joint or Single Petition for Exception
306.361 Justification of Joint Petition
306.362 Justification of Single Petition
306.363 Contents of Joint Petition
306.364 Contents of Single Petition
306.370 Notice and Hearing
306.371 Opinion and Order
306.372 Transcripts

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306.373 Final Date for Petitions
306.374 Other Proceedings

SUBPART E: NEW CONNECTIONS

Section
306.401 Publication of Lists
306.402 Restricted Status
306.403 Critical Review
306.404 Notification of Individuals
306.405 Appeal
306.406 Effective Dates

SUBPART F: SITE SPECIFIC RULES AND EXCEPTIONS

Section
306.501 East St. Louis-Sauget Site-Specific Discharges
306.502 Alton Combined Sewer Overflow Discharges
306.503 Havana Site-Specific Discharges

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act. (Ill. Rev. Stat. 1987, ch. 111 §, pars. 1027 and 1013).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 7 Ill. Reg. 5682, effective April 19, 1983; amended at 8 Ill. Reg. 1607, effective January 18, 1984; amended at 8 Ill. Reg. 3691, effective March 14, 1984; amended in R82-7 at 12 Ill. Reg. 11229, effective June 10, 1988, amended in R88-25 at ___ Ill. Reg. ___, effective ____.

Section 306.503 Havana Site-Specific Discharges

The two discharges from the combined sewer system of the City of Havana, as described below, shall not be subject to the treatment requirements of Section 306.305(a) nor the compliance date of Section 306.306(c). The Washington Street discharge is located at the foot of Washington Street in the Northwest Quarter, Section 1, Township 21 North, Range 9 West of the Third Principal Meridian and can further be defined as being located at West 90°, 4 minutes 0 seconds longitude and North 40°, 17 minutes 55

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seconds latitude. The Illinois Street discharge is located at the foot of Illinois Street in the Southwest Quarter, Section 1, Township 21 North, Range 9 West of the Third Principal Meridian and can further be defined as being located at North 40°, 17 minutes 35 seconds latitude and West 90°, 4 minutes 5 seconds longitude. This site-specific rule does not preclude the Agency from exercising its authority to require as a permit condition a C30 monitoring program sufficient to assess compliance with this rule and any other Board regulations and other controls, if needed, for compliance, including compliance with water quality standards. Further, this site-specific rule is not to be construed as affecting the enforceability of any provisions of this rule, other Board regulations, or the Environmental Protection Act.

(Source: Added at ___ Ill. Reg. ___, effective ___)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:

140.543 Amendment
140.560 Amendment
140.561 Amendment
140.562 Amendment

4) Statutory Authority: Sections 5-1 et. seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 5-1 et. seq. and 12-13).

5) A Complete Description of the Subjects and Issues Involved: The Department is implementing changes to its long term care reimbursement methodology in accordance with provisions of Senate Bill 0384. The changes include the following elements:

1. The Department will use the latest cost reports filed before April 1 of each year to set July 1 rates.
2. The support rate ceiling was increased from the 65th percentile to the 75th percentile.
3. The nursing rate will be increased by 7.1 percent to provide for direct care staff wage increases for Fiscal Year 1990 only.

The changes will ensure that public assistance clients have adequate access to long term care facilities. The changes are estimated to increase the Department's aggregate expenditures for facilities by \$40 million in Fiscal Year 1990.

In addition, the Department is amending payment policy for facilities licensed as ICF/DD-15. The support ceilings for ICF/DD-15s will be determined by using actual costs for those facilities. These ceilings were previously based upon 106.6 percent of the ceilings used for SNF/ICF facilities. This change is estimated to increase the Department's aggregate expenditures for facilities by \$4.5 million in Fiscal Year 1990.

6) Will this proposed rule replace an emergency rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date?

Yes

No
- 8) Does this proposed amendment contain incorporations by reference?

No
- 9) Are there any other proposed amendments pending on this Part?

Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.16	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.17	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.21	Amendment	March 17, 1989 (13 Ill. Reg. 3295)
140.400	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.435	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.436	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.490	Amendment	July 14, 1989 (13 Ill. Reg. 11157)
140.491	Amendment	July 14, 1989 (13 Ill. Reg. 11157)
140.492	Amendment	July 14, 1989 (13 Ill. Reg. 11157)
140.497	New Section	May 19, 1989 (13 Ill. Reg. 7546)
140.569	Amendment	April 21, 1989 (13 Ill. Reg. 5465)
140.642	Amendment	November 28, 1988 (12 Ill. Reg. 19613)

- 10) Statement of Statewide Policy Objectives:

This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Thomas D. Toberman, Division of Medical Programs, Illinois Department of Public Aid, 201 South Grand Avenue East, 3rd Floor, Springfield, Illinois, 62763, (217)524-7335. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

Interested parties can review the rules pertaining to this change at the Department of Public Aid's local office located in each county, except in Cook County, where the rules can be reviewed at the Director's Office, 624 South Michigan Avenue, 13th Floor, Chicago, Illinois. The rule can be reviewed at all offices Monday through Friday, 8:30 a.m. until 5:00 p.m.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 7, 1989

B) Types of small businesses affected: Medical Providers

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None
- The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 3: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs For AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4 Covered Medical Services Under GA and AMI
140.5 Covered Medical Services Not Covered
140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year
140.7 Medical Assistance For Qualified Severely Impaired Individuals
140.8 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.9 Medical Assistance Provided to Incarcerated Persons
- SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL
- Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

NOTICE OF PROPOSED AMENDMENTS

Section
140.18 Effect of Termination on Individuals Associated with Vendor

- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barriing Submittal of Claims
140.20 Magnetic Tape Billings
140.21 Payment of Claims
140.22 Payment Procedures
140.23 Overpayment or Underpayment of Claims
140.24 Payment to Factors Prohibited
140.25 Assignment of Vendor Payments
140.26 Record Requirements for Medical Providers
140.27 Audits
140.28 False Reporting and Other Fraudulent Activities
140.29 Prior Approval for Medical Services or Items
140.30 Prior Approval in Cases of Emergency
140.31 Limitation on Prior Approval
140.32 Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.33 Drug Manual (Recodified)
140.34 Drug Manual (Recodified)
140.35 Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

- Section
140.94 Hospital Services (Recodified)
140.95 Participation (Recodified)
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section	
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory

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Section	
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices

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Section	
140.476	Medical Equipment, Supplies and Prosthetic Devices for
140.477	Which Payment Will Not Be Made
140.478	Limitations on Equipment, Supplies and Prosthetic
	Devices
140.479	Prior Approval for Medical Equipment, Supplies and
140.480	Prosthetic Devices
140.481	Approval of Medical Supplies
	Equipment Rental Limitations
140.482	Payment for Medical Equipment, Supplies and Prosthetic
	Devices
140.483	Family Planning Services
140.484	Limitations on Family Planning Services
140.485	Payment for Family Planning Services
140.486	Medichex Services
140.487	Limitations on Medichex Services
140.488	Payment on Medichex Services
140.489	Medical Transportation
140.490	Limitations on Medical Transportation
140.491	Payment for Medical Transportation
140.492	Psychological Services
140.493	Payment for Psychological Services

SUBPART E: GROUP CARE

Section	
140.500	Group Care Services
140.501	Cessation of Payment at Federal Direction
140.502	Cessation of Payment for Improper Level of Care
140.503	Cessation of Payment Because of Termination of Facility
140.504	Continuation of Payment Because of Threat To Life
140.505	Provider Voluntary Withdrawal
140.506	Continuation of Provider Agreement
140.507	Determination of Need for Group Care
140.508	Services Provided Without Charge
140.509	Utilization Control
140.510	Utilization Review Plan
140.511	Certifications and Recertifications of Care
140.512	Management of Recipient Funds--Personal Allowance Funds
140.513	Recipient Management of Funds
140.514	Correspondent Management of Funds
140.515	Facility Management of Funds
140.516	Use or Accumulation of Funds
140.517	Management of Recipient Funds--Local Office
140.518	Responsibility
140.519	Room and Board Accounts
140.520	Reconciliation of Recipient Funds

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Section	
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the
	Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training
140.540	Costs Associated With Nursing Home Care Reform Act and
	Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
140.567	Level II Incentive Payments
140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)

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Section
 140.576 Renovations (Repealed)
 140.577 Capital Costs for Rented Facilities (Renumbered)
 140.578 Property Taxes.
 140.579 Specialized Living Centers
 140.580 Mandated Capital Improvements
 140.581 Qualifying as Mandated Capital Improvement
 140.582 Cost Adjustments
 140.583 Campus Facilities
 140.584 Illinois Municipal Retirement Fund (IMRF)
 140.590 Audit and Record Requirements
 140.642 Pre-Screening Assessment
 140.643 In-Home Care Program
 140.645 Medical and In-Home Care For Disabled Persons Under Age 21
 140.646 Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
 140.647 Description of Developmental Training Service Levels
 140.648 Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
 140.649 Effective Dates of Reimbursement for Day Programs
 140.650 Certification of Day Programs
 140.651 Decertification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.680 Effective Date of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
 140.835 Determination of Cap on Payments for Long Term Care

SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section
 140.850 Facility/Client Participation (Recodified)
 140.855 Evaluation Of Need For Care (Recodified)
 140.860 Payment (Recodified)
 140.865 Definitions (Recodified)
 140.870 Guidelines (Recodified)
 140.875 Intermediate Care (ICF/MR) (Recodified)
 140.880 Skilled Care (SNF/PED) (Recodified)
 140.885 Statewide Rates (Recodified)
 140.890 Reimbursement for ICF/MR-15 and Under Facilities (Recodified)
 140.895 Night Shift Reimbursement (Recodified)
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
 140.901 Functional Areas of Needs (Recodified)
 140.902 Service Needs (Recodified)
 140.903 Definitions (Recodified)
 140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
 140.907 Midnight Census Report (Recodified)
 140.908 Times and Staff Levels (Recodified)
 140.909 Statewide Rates (Recodified)
 140.910 Referrals (Recodified)
 140.911 Basic Rehabilitation Aide Training Program (Recodified)
 140.912 Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
 140.944 Notification of Negotiations (Recodified)
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
 140.966 Transfer of Recipients (Recodified)
 140.968 Validity of Contracts (Recodified)
 140.970 Termination of ICARE Contracts (Recodified)
 140.972 Hospital Services Procurement Advisory Board (Recodified)

TABLE A Medichex Recommended Screening Procedures
 TABLE B Health Service Areas

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TABLE C Capital Cost Areas

TABLE D Schedule of Dental Procedures
 TABLE E Time Limits for Processing of Prior Approval Requests
 TABLE F Podiatry Service Schedule
 TABLE G Travel Distance Standards
 TABLE H Staff Time and Allocation by Need Level (Recodified)
 TABLE I Staff Time and Allocation for Training Programs (Recodified)
 TABLE J HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 254, effective December 21, 1983; amended at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being

codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987;

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Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.208 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 14271, effective August 29, 1988; amended at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill.

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Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.543 Time Standards for Filing Cost Reports

a) Except as provided in subsections (b) and (c) below, the cost report must be filed within 90 days of the end of the facility's fiscal year. One extension up to 30 60 days shall be granted for circumstances which will not allow a cost report to be properly completed before the due date of the report. The written request for an extension must be submitted to the Office of Health Finance prior to the original due date. All requests shall be judged based upon the individual circumstances to determine the length of the extension.

b) Change of Ownership - The new owner or lessee must file a cost report 9 months after acquisition (covering the first 6 months of operation). A change of ownership is dated from the closing of the sale or from the date of the oldest lease agreement between the present incumbents of a lease. The facility must also file a cost report within 90 days of the close of its first complete fiscal year.

- 1) A change of corporate stock ownership does not constitute a change in ownership.
- 2) The Department will not recognize any subsequent transaction by the lessee as a new acquisition for purposes of capital reimbursement. Capital costs are allowed only when a facility is constructed, sold or leased for the first time. The Department will recognize the one lease as a new acquisition.

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Section 140.543 Time Standards for Filing Cost Reports
(Cont'd.)

- c) New Facility - A facility which is licensed for the first time must file a projection of capital costs before any warrants will be released to the facility. A full cost report must be filed within 9 months after opening the facility (covering at least the first 6 months of operation). The facility must also file a cost report within 90 days of the close of its first complete fiscal year.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 140.560 Components of the Base Rate Determination

Except as specified otherwise in this Section, rates will be calculated from the facility's cost report submitted from its first fiscal year ending during the calendar year ended 18 months prior to the beginning of the rate year. For example, cost reports for fiscal years ending in calendar years 1986 are used in the rate calculation for the rate year beginning July 1, 1988, rates calculated for the rate year beginning July 1, 1990, and for subsequent years thereafter shall be based on the facility's cost report for the facility's full fiscal year ending at any point in time during the previous calendar year as long as that cost report is filed prior to April 1. Otherwise, the latest cost report available on March 31 will be used to set rates for July 1. For example, if a facility with a December 31, 1989 year end files their cost report prior to April 1, 1990, that cost report will be used to set rates for the rate year to begin on July 1, 1990. In this example, if the December 31, 1989 cost report is not filed until after March 31, 1990, the December 31, 1988 cost report will be used to set rates for the rate year to begin on July 1, 1990.

- a) In the case of a change in ownership of a previously certified facility, the rate issued to the previous owner will be in effect for the remainder of the rate year. A new rate will be calculated for the next rate year based on the new owner's cost report if a cost report covering a minimum of the first six months of operation is received by the ~~Finance Section~~ Office of Health Finance prior to ~~July~~ April 1st. If a cost report covering the first six or more months of operation for the new owner cannot be filed with the

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Section 140.560 Components of the Base Rate Determination
(Cont'd.)

~~Finance Section~~ Office of Health Finance prior to July April 1st, the rate will be calculated based upon the prior owner's cost report filed in accordance with Section 140.560 above. A cost report which has not been completed in accordance with the Department's rules and cost report instructions will not be considered as received until all cost report pages are properly completed.

- b) In the case of a new facility, capital reimbursement will be assigned on the receipt of the first cost report (which may be an abbreviated cost report.) The support reimbursement will be set at the median for that region. The facility must then file a six month cost report, (beginning with date the first patient was admitted) which contains actual historical cost information. The capital and support rates will then be recalculated based upon this cost report. Rates so calculated will go into effect on the first day of the first month after the six month cost report is received by the ~~Finance Section~~ Department's Office of Health Finance. The facility must obtain written verification of the initial cost reporting periods from the Office of Health Finance.

- c) When a construction addition to the building will increase the licensed bed capacity by 10 percent or more, the facility may file a revised cost report reflecting the increased capital investment. If this revised cost report is filed within 30 days of the date of the increase in licensure as determined by the Illinois Department of Public Health, any increase in the capital rate will be effective on the effective date of licensure increase. If the revised cost report is filed more than 30 days after the effective date of increase in licensure, any increase in the capital rate will be effective on the first day of the first month after the report is received by the Finance Section.

- d) Once a rate for an individual facility has been calculated, a new rate will not be calculated during the course of the rate year except as provided in subsections (b) and (c) above.

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Section 140.560 Components of the Base Rate Determination (Cont'd.)

- e) If a facility incurs building construction improvements which would raise the base year grouping, then the nursing home may file a revised cost report which reports the increased capital investment. The base year is defined in Section 140.570(b)(2) and Section 140. Table J shows the groupings. If the improvements have been completed and put into use prior to the forthcoming rate year and the cost report reflecting increased capital costs is filed prior to the beginning of the next rate year, then any increase in the capital rate will be effective on the first day of the rate year.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 140.561 Support Costs Components

Support Costs Components (includes laundry, dietary, house-keeping, utility and administrative expenses)

- a) The Department shall reimburse each facility for support costs associated with the provision of long term care on the basis of the relationship between the facility's per diem allowable support costs and referent values determined for each Health Service Area (HSA) group from the distribution of per diem allowable support costs for all long term care facilities with adequate cost report data. For all facilities with a Department of Public Health license classification SNF/ICF (Skilled Nursing Facility, Intermediate Care Facility) or ICF/DD (Intermediate Care Facility for the Developmentally Disabled), the support rate will be computed as follows for the rate year to begin July 1, 1989 and subsequent years:

- 1) If a facility's per diem allowable support costs are less than the 35th percentile value for per diem allowable support costs in the HSA group, the support rate will be equal to the facility's per diem allowable support costs plus 50% of the difference between the 65th 75th percentile value for per diem allowable support costs in the HSA group and the facility's per diem allowable

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Section 140.561 Support Costs Components (Cont'd.)

support costs, up to a ceiling. The ceiling shall be equal to 50% of the difference between the 65th 75th percentile value of allowable per diem support costs for the HSA group and the 35th percentile value of allowable per diem support costs for the HSA group plus \$.05.

- 2) If a facility's per diem allowable support costs are greater than or equal to the 35th percentile value of per diem allowable support costs for the HSA group and less than the 65th 75th percentile value of per diem allowable support costs for the HSA group, the support rate will be equal to the facility's per diem allowable support costs plus 50% of the difference between the 65th 75th percentile value of per diem allowable support costs for the HSA group and the facility's per diem allowable support costs.
- 3) If a facility's per diem allowable support costs are equal to or greater than the 65th 75th percentile value of per diem allowable support costs for the HSA group, the support rate will be equal to the 65th 75th percentile value of per diem allowable support costs for the HSA group.
- 4) For the purpose of reimbursement, the Department shall equalize SNF and ICF support costs by
- A) subtracting from SNF support costs a factor which represents variable support costs statistically related to patient condition, and
- B) including this factor as part of SNF nursing costs.
- b) For all facilities with a Department of Public Health license classification SNF/PED (Skilled Nursing Facility for Pediatric residents), the support rate will be computed exactly as described for the SNF/ICF and ICF/DD facilities, except that the referent value for each HSA group (i.e. the 35th percentile values and the 65th 75th percentile values for per diem allowable support costs) will be increased to 120% of

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Section 140.561 Support Costs Components (Cont'd.)

the referent values applied in the computation of the support rates for SNF/ICF and ICF/DD facilities.

- c) For all facilities with a Department of Public Health license classification ICF/DD-15 (Intermediate Care Facility for the Developmentally Disabled with 15 or fewer residents), the support rate will be computed ~~exactly as described for the SNF/ICF and ICF/DD facilities except that the referent values for each HSA group are, by regionalizing the 35th percentile values and the 65th 75th percentile values for per diem allowable support costs, will be increased to 106.6% of the referent values applied in the computation of the support rates for SNF/ICF and ICF/DD facilities based upon cost of facilities licensed as ICF/DD-15.~~

- d) For all facilities with a Department of Public Health license classification SLC (Specialized Living Center), as determined by the Department of Mental Health and Developmental Disabilities and recognized by the Department of Public Aid, the support rate will be computed exactly as described for the SNF/ICF and ICF/DD facilities, except that the referent values for each HSA group (i.e. the 35th percentile values and the 65th 75th percentile values for per diem allowable support costs) will be increased to 152.8% of the referent values applied in the computation of the support rates for SNF/ICF and ICF/DD facilities.

- e) The reimbursement methodologies specified by this rule will apply to all services provided on and after July 1, 1985.

(Source: Amended at 13 Ill. Reg. ___, effective _____)

Section 140.562 Nursing Costs

- a) The Department reimburses for nursing costs based on geographic area in which the facility is based, and the level of care the facility (or distinct part thereof) is licensed to provide. Nursing costs also include an increment to reimburse for patients requiring skilled care for differences in support cost

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NOTICE OF PROPOSED AMENDMENTS

Section 140.562 Nursing Costs (Cont'd.)

areas statistically related to variable patient conditions. For residents in Skilled Nursing Facilities (SNF) and Intermediate Care Facilities (ICF), the Department reimburses for nursing costs according to Sections 140.900 through 140.907; for residents in Skilled Nursing Facilities for Pediatrics (SNF/PED) or Intermediate Care Facilities for the Medically Retarded (ICF/MR), the Department reimburses for nursing costs according to Sections 140.850 through 140.885.

- b) For the period July 1, 1986, through December 31, 1986, no facility's rate of reimbursement for Nursing Services shall be less than 90% of the rate of reimbursement for Nursing Services that facility received for the period January 1, 1986, through June 30, 1986.

- c) For the period July 1, 1986 through December 31, 1986, the Department shall perform an additional computation for the rate of reimbursement for Nursing Services.

- 1) For intermediate and skilled care facilities, the additional computation is as follows:

A) Unadjusted nursing rates will be computed according to Section 140.905.

B) The unadjusted nursing rate will be compared to 90 percent of the previous effective rate for Nursing Services for each facility. The greater of the two rates will be the "hold harmless" nursing rate.

C) The mean difference between the "hold harmless" nursing rates and the previous effective nursing rates will be computed for each HSA area. This difference will be an interim base for the HSA area.

D) The adjusted nursing rate will be the sum of the "hold harmless" nursing rate and the interim base rate.

- 2) For intermediate and skilled care facilities for

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 140.562 Nursing Costs (Cont'd.)

the developmentally disabled, the additional computation is as follows:

- A) Unadjusted nursing rates will be computed according to Section 140.885.
 - B) The mean difference between the unadjusted nursing rates and the previous effective nursing rates will be computed for each licensure group. This difference will be an interim base rate for the licensure group.
 - C) The adjusted nursing rate will be the sum of the unadjusted nursing rate and the interim base rate.
- d) For the period January 1, 1987 through June 30, 1987, the nursing rate component for any skilled and intermediate care facility (not including facilities for the developmentally disabled) will be the higher of either the rate for the prior rate period (July 1, 1986 through December 31, 1986) or the rate as calculated according to Subpart G.

- e) For the period January 1, 1987 through June 30, 1987, the nursing rate component for facilities for the developmentally disabled will be the same as for the prior rate period (July 1, 1986 through December 31, 1986).

- f) For the period July 1, 1987, through December 31, 1987, the nursing rate component (updated for wage inflation from January 1, 1987, through January 1, 1988, as computed in Sections 140.909(b)(1)(A)(iv) and (v)) for long term care facilities for the developmentally disabled will be the same as for the prior rate period (January 1, 1987, through June 30, 1987).

- g) For the period January 1, 1988 through June 30, 1988, the nursing rate component for facilities for the developmentally disabled will be the same as for the prior rate period (July 1, 1987 through December 31, 1987).

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NOTICE OF PROPOSED AMENDMENTS

Section 140.562 Nursing Costs (Cont'd.)

- h) For the period July 1, 1989 through December 31, 1989 and the period January 1, 1990 through June 30, 1990 nursing rates established for all long term care facilities with a SNF, ICF, or ICF-MI license shall be increased by a 7.1% nursing wage adjustment factor.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Motor Fuel Tax Regulations
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers: 500.101
Proposed Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, pars. 417-434a, and authorized by Section 39b2 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b2).
- 5) A Complete Description of the Subjects and Issues Involved: This rule sets out the increases in Motor Fuel Tax which take place on August 1, 1989, and on January 1, 1990.
- 6) Will this proposed rule replace an emergency rule currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 8) Does this amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Not applicable; this rulemaking has no effect on local governmental units.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: August 4, 1989
- B) Types of small businesses affected: Distributors and retailers of motor fuel.

C) Reporting, bookkeeping or other procedures required for compliance: Basic bookkeeping (the same skills necessary to comply with the current Motor Fuel Tax rate).

D) Types of professional skills necessary for compliance: Basic bookkeeping (the same skills necessary to comply with the current Motor Fuel Tax rates).

The full text of the Proposed Amendment(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 500
MOTOR FUEL TAX REGULATIONS

Section	Basis and Rate of Motor Fuel Tax
500.101	Monthly Returns
500.105	Report of Loss of Motor Fuel
500.110	Daily Gallonage Record
500.115	Licenses Are Not Transferable
500.120	Changes of Corporate Officers
500.125	Blenders' Permits Are Not Transferable
500.130	Vehicles of Distributors Transporting Petroleum Products
500.135	Other Vehicles
500.140	Cost of Collection - Determination
500.145	Cost of Collection - Books and Records
500.150	Motor Fuel Consumed by Distributors and Special Fuel Consumed by Suppliers
500.155	Claims for Refund - Original Invoices
500.160	Definition of Loss
500.165	Sales of Special Fuel - Variation in Usage
500.170	Special Motor Fuel Permits and Decals
500.175	Estimated Claims Not Acceptable
500.180	Claimants Owning Motor Vehicles
500.185	Detailed Answers
500.190	Revocation of License, etc. - Notice - Hearing
500.195	Distributors' and Suppliers' Claims for Credit
500.200	Procedure when Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.205	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.210	Sales of Motor Fuel to Certain Privately Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.215	Motor Carrier's Quarterly Report
500.220	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required.
500.225	Timely Mailing Treated as Timely Filing and Paying--Meaning of Due Date Which Falls on Saturday, Sunday or a Holiday
500.230	Incorporation of the Retailers' Occupation Tax Regulations by Reference
500.235	

AUTHORITY: Implementing the Motor Fuel Tax Law (Ill. Rev. Stat. 1987, ch. 120, par. 417-434.a) and authorized by Section 39b2 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b2).

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at

8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; amended at ____ Ill. Reg. ____, effective ____.

NOTE: Capitalization denotes statutory language.

Section 500.101 Basis and Rate of the Motor Fuel Tax

a) THE MOTOR FUEL TAX IS IMPOSED "ON THE PRIVILEGE OF OPERATING MOTOR VEHICLES UPON THE PUBLIC HIGHWAYS, INCLUDING TOLL ROADS, AND RECREATIONAL-TYPE WATERCRAFT UPON THE WATERS OF THIS STATE".

1) MOTOR FUEL USED IN SUCH MOTOR VEHICLES UPON PUBLIC HIGHWAYS AND IN SUCH RECREATIONAL WATERCRAFT ON SUCH WATERS IS TAXED ACCORDING TO THE FOLLOWING RATE SCHEDULE:

TAX PERIOD	RATE
UNTIL AUGUST 1, 1983	7 1/2¢ PER GALLON
FROM AUGUST 1, 1983 THROUGH JUNE 30, 1984	11¢ PER GALLON
FROM JULY 1, 1984 THROUGH JUNE 30, 1985	12¢ PER GALLON
FROM JULY 1, 1985 AND THEREAFTER THROUGH JULY 31, 1989	13¢ PER GALLON
FROM AUGUST 1, 1989 THROUGH DECEMBER 31, 1989	16¢ PER GALLON
FROM JANUARY 1, 1990, AND THEREAFTER	19¢ PER GALLON

2) DIESEL FUEL USED IN SUCH MOTOR VEHICLES UPON PUBLIC HIGHWAYS AND IN SUCH RECREATIONAL WATERCRAFT ON SUCH WATERS IS TAXED ACCORDING TO THE FOLLOWING RATE SCHEDULE:

TAX PERIOD	RATE
UNTIL AUGUST 1, 1983	7 1/2¢ PER GALLON
FROM AUGUST 1, 1983 THROUGH JUNE 30, 1984	13 1/2¢ PER GALLON
FROM JULY 1, 1984 THROUGH JUNE 30, 1985	14 1/2¢ PER GALLON
FROM JULY 1, 1985 AND THEREAFTER THROUGH JULY 31, 1989	15 1/2¢ PER GALLON

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NOTICE OF PROPOSED AMENDMENTS

FROM AUGUST 1, 1989 THROUGH DECEMBER 31, 1989 18 1/2¢ PER GALLON

FROM JANUARY 1, 1990 AND THEREAFTER 21 1/2¢ PER GALLON

(Source: Amended at Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Operation of the Hazardous Waste Fee System

2) Code Citation: 35 Ill. Adm. Code 855

3) Section Numbers

855.103

855.203

855.204

855.205

855.207

Adopted Action

Amendment

Amendment

Amendment

Amendment

Amendment

4) Statutory Authority: Section 22.2(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.2(c), as amended by PA 85-1343, effective January 1, 1989).

5) Effective Date of Amendments: August 7, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No

7) Does this Rulemaking contain Incorporations by Reference? No

8) Date Filed in Agency's Principal Office: July 7, 1989

9) Notice of Proposal Published in Illinois Register:

December 2, 1988

12 Ill. Reg. 19834

10) Has JCAR issued a State of Objection to these amendments? No

11) Differences between proposal and final version:

No substantive differences exist between the proposal and the final versions. Source notes, authority notes and typographical errors have been corrected, and the title of the Part has been shortened.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of the Amendments:

The Environmental Protection Act prescribes an annual fee which hazardous waste treatment and disposal sites and underground injection wells must pay. The amount of the fee depends on the amount of waste disposed,

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treated or injected. The amendments to this Part clarify the recordkeeping and reporting requirements necessary for the implementation of the fee schedule in the Act.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Wendy Stralow
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

The full text of the Adopted Amendments begins on the next page.

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 855
PROCEDURES FOR OPERATION OF THE HAZARDOUS WASTE FEE SYSTEM

SUBPART A: GENERAL PROVISIONS

Section	Applicability
855.101	Definitions
855.102	Exemptions from Hazardous Waste Fees
855.103	Existing Agency Manifest System
855.104	

SUBPART B: PROCEEDINGS FOR COLLECTING FEES,
KEEPING RECORDS AND SUBMITTING FEES AND RECORDS

Section	Supplemental Permits
855.201	Manifests for Hazardous Wastes
855.202	Records
855.203	Daily Hazardous Waste Record
855.204	Monthly Hazardous Waste Summary
855.205	Quarterly Hazardous Waste Summary
855.206	Supplemental Hazardous Waste Record
855.207	Retention of Records
855.208	Measurement and Conversion
855.209	Quarterly Submission of Fees and Records
855.210	Quarterly Submission of Money and Records (Repealed)
855.211	Manner of Payment
855.212	Annual Report Reconciliation
855.213	

AUTHORITY: Implementing and authorized by Section 22.2(c) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1022.2(c), as amended by PA 85-1343, effective January 1, 1989).

SOURCE: Emergency rules adopted at 8 Ill. Reg. 6956, effective May 4, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 19015, effective September 26, 1984; amended at 12 Ill. Reg. 6094, effective March 22, 1988; amended at 13 Ill. Reg. 13206, effective August 7, 1989.

NOTE: Capitalization denotes statutory language.

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SUBPART A: GENERAL PROVISIONS

Section 855.103 Exemptions from Hazardous Waste Fees

Section 22-2(b)(6) of the Environmental Protection Act (the Act) provides an exemption from the hazardous waste fee FOR SLUDGE FROM A PUBLICLY-OWNED SEWAGE WORKS GENERATED IN ILLINOIS, COAL MINING WASTES AND REFUSE GENERATED IN ILLINOIS, BOTTOM BOILER ASH, FLYASH AND FLUE GAS DESULPHURIZATION SLUDGE FROM PUBLIC UTILITY ELECTRIC GENERATING FACILITIES LOCATED IN ILLINOIS AND BOTTOM BOILER ASH AND FLYSASH FROM ALL INCINERATORS WHICH PROCESS SOLELY MUNICIPAL WASTE. This exemption is the only exemption from the hazardous waste fee system. In addition, where a hazardous waste has been treated at a hazardous waste treatment site at which a hazardous waste fee has been paid, it shall not be subject to any other hazardous waste fee imposed by subsection 22.2(b) of the Act. All other hazardous waste, no matter what the source or quantity, is subject to the fee.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

SUBPART B: PROCEDURES FOR COLLECTING
FEES, KEEPING RECORDS AND SUBMITTING FEES AND RECORDS

Section 855.203 Records

Every site operator shall keep a record of all hazardous waste received or disposed or injected at the site on forms provided by the Agency. On-site hazardous waste disposal sites, including underground injection wells, and hospitals, to the extent that they treat or dispose of on-site hazardous hospital waste, shall keep a Quarterly Hazardous Waste Summary. All other hazardous waste sites under this Part shall keep the following documents:

- Daily Hazardous Waste Record;
- Monthly Hazardous Waste Summary;
- Quarterly Hazardous Waste Summary; and
- Supplemental Hazardous Waste Record; and
- Hazardous Waste Deposited Into A Monofill Quarterly Report.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

Section 855.204 Daily Hazardous Waste Record

- The Daily Hazardous Waste Record shall be maintained at the site and shall include the receipt record day, the date, the site number and the site name. This Record shall also list each hazardous waste

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stream received or injected on a given date. Such listing shall be by the supplemental permit number for the waste, if such a permit is required, or by individual waste stream, if a supplemental permit is not required, and shall include the following information:

- Supplemental permit number, or description of the waste stream if such a permit is not required;
- Manifest number or bill of lading, if required;
- Generator number, if applicable;
- ~~Quantity of waste received or injected in gallons or cubic yards, and~~ Cubic Yards or Gallons Subject to Fee;
- Cubic Yards or Gallons Exempt Due to Maximum Fee Paid; and
- Whether the waste was treated or disposed ~~or injected~~.

- If the waste is accompanied by a bill of lading pursuant to 35 Ill. Adm. Code 809.211(g), the letters "ICC" should be placed in the column marked "Manifest Number." The quantity of waste received or injected shall be designated in either the cubic yards column or the gallons column.

- At the conclusion of each day's operations, the total quantity of waste subject to fee received on that day in cubic yards, the total quantity of waste subject to fee received on that day in gallons, the total quantity of cubic yards exempt due to maximum fee paid, and the total quantity of gallons exempt due to maximum fee paid and the total quantity of waste injected on that day in gallons shall be calculated and entered on the Daily Hazardous Waste Record.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

Section 855.205 Monthly Hazardous Waste Summary

The Monthly Hazardous Waste Summary shall include the site number, the site name and address and the month. This summary shall list the total quantity of hazardous waste received during the month in cubic yards, and the total quantity of hazardous waste received during the month in gallons, subject to the fee that is treated or disposed of in cubic yards or gallons for each day of the month, the quantity of hazardous waste exempt from fee due to maximum fee paid that is treated or disposed of in cubic yards or gallons for each day of the month and the total quantity of hazardous waste treated or disposed of in cubic yards and in gallons for each day of the month, and the total quantity of hazardous waste injected in gallons for each day of the month.

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The daily quantities shall then be sub-totalled and totaled for the entire month. The Monthly Hazardous Waste Summary shall be maintained at the site and shall be submitted to the Agency with the applicable Quarterly Hazardous Waste Summary.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

Section 855.207 Supplemental Hazardous Waste Record

When an error is discovered in any of the records required to be kept under this Part which has resulted in an error in the amount reported on the Quarterly Hazardous Waste Summary as being due to the Hazardous Waste Fund, a Supplemental Hazardous Waste Record showing the relevant corrections shall be completed by the site operator and submitted to the Agency, together with an appropriate fee payment, where applicable. The Supplemental Hazardous Waste Record shall be received by the Agency no later than the seventh day following the discovery of the error. Errors not affecting the amount reported as due to the Hazardous Waste Fund, including errors detected and corrected prior to submission of the applicable Quarterly Hazardous Waste Summary shall be noted on the next Monthly Quarterly Hazardous Waste Summary.

(Source: Amended at 13 Ill. Reg. 13206, effective August 7, 1989)

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- 1) The Heading of the Part: Procedures for Collection of Permit and Inspection Fees
- 2) Code Citation: 35 Ill. Adm. Code 856
- 3) Section Numbers: Adopted Action:

856.101	Amend
856.102	Amend
856.201	Amend
856.202	Amend
856.204	Amend
- 4) Statutory Authority: Implementing and authorized by Section 22.8 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.8, as amended by P.A. 85-1343, effective January 1, 1989.
- 5) Effective Date of Amendments: August 7, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: July 7, 1989
- 9) Notice of Proposal Published in Illinois Register: 12 Ill. Reg. 21000 -- December 23, 1988
- 10) Has JCAR issued a Statement of Objection to this Rule? No
- 11) Differences between proposal and final version: No substances differences exist between the proposal and the final versions
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of the Amendments:

Section 22.8 of the Environmental Protection Act prescribes an annual fee which hazardous waste treatment storage and disposal sites must pay. Part 856 sets forth the procedures for the collection of this fee. This rulemaking amends Part 856 to comply with the amendments to Section 22.8 contained in P.A. 85-1343.

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- 16) Information and questions regarding this adopted amendment shall be directed to:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

Wendy Stralow
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

PART 856
PROCEDURES FOR COLLECTION OF PERMIT AND INSPECTION FEES

SUBPART A: GENERAL PROVISIONS

The full text of the adopted amendments begins on the next page.

Section Definitions
856.101 Applicability
856.102 Relation to Other Fee Systems

SUBPART B: PROCEEDINGS FOR COLLECTION
OF PERMIT AND INSPECTION FEES

Section Notification of Status
856.201 Changes in Status
856.202 Resolution of Disputes
856.203 Quarterly Submission of Fees
856.204 Manner of Payment

AUTHORITY: Implementing and authorized by Section 22.8 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.8, as amended by P.A. 85-1343, effective January 1, 1989.)

SOURCE: Emergency rules adopted at 9 Ill. Reg. 399, effective January 1, 1985, for a maximum of 150 days; emergency expired May 30, 1985; adopted at 9 Ill. Reg. 10754, effective July 1, 1985; amended at 13 Ill. Reg. 13212, effective August 7, 1989.

SUBPART A: GENERAL PROVISIONS

Section 856.101 Definitions

The following definitions shall apply to this Part:

"Act": The Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq.), as amended.

"Agency": The Environmental Protection Agency Established by the Environmental Protection Act (Section 3a .01 of the Act).

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"Calendar Quarter": Any of the quarter portions of each calendar year, commencing respectively on January 1, April 1, July 1 and October 1.

"Hazardous Waste": A Waste, or combination of Wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to Human Health or the Environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board Regulations. (Section 3§ .15 of the Act).

"Hazardous Waste Disposal Site": A Site at which hazardous waste is disposed. (Section 3k .16 of the Act).

"Hazardous Waste Management Facility": A facility at which hazardous waste is treated, either by incineration or otherwise, or stored, either in an impoundment, pile or otherwise.

"On-site Hazardous Waste Disposal Site": A hazardous waste disposal site located on the site where such waste is produced.

"Off-Site Hazardous Waste Disposal site": A hazardous waste disposal site located off the site where such waste is produced.

"Operational Unit": A discrete functional entity receiving or injecting hazardous waste, comprising all or part of a hazardous waste disposal site or hazardous waste management facility and subject to the fees imposed by Section 22-27 22.8 of the Act.

"Site": Any Location, Place, Tract of Land, and Facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Environmental Protection Act or Regulations Thereunder. (Section 3dd .43 of the Act).

"Underground Injection": The Subsurface Emplacement of Fluids by Well Injection. (Section 3kk .50 of the Act).

(Source: Amended at 13 Ill. Reg. 13212, effective August 7, 1989).

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Section 856.102 Applicability

The regulations of this Part apply to fees imposed by Section 22.8 of the Act upon owners or operators of hazardous waste disposal sites or hazardous waste management facilities comprised of 1 or more operational units which:

- a) Require a Resource Conservation and Recovery Act (RCRA) permit under Section 21(f) of the Act; or
- b) Require an Underground Injection Control (UIC) permit under Section 12(g) of the Act.

(Source: Amended at 13 Ill. Reg. 13212, effective August 7, 1989).

SUBPART B: PROCEEDINGS FOR COLLECTION
OF PERMIT AND INSPECTION FEES

Section 856.201 Notification of Status

- a) Except as otherwise provided in this Section, the Agency will, no later than January 4, 1985, give written notification of the applicability of this Part to the operator of any hazardous waste disposal site or hazardous waste management facility determined to be subject to the requirements of this Part. Such notice will include:

- 1) The Agency's determination of the number and types of operational units located within the hazardous waste disposal site or hazardous waste management facility;
- 2) The annual fee, and quarterly installments thereof, determined by the Agency to be imposed upon the operator by operation of Section 22.8 of the Act;
- 3) The date upon which quarterly fee payments are due;
- 4) Instructions regarding the manner of payment; and
- 5) Instructions for initiating dispute resolution procedures under Section 856.203.

- b) Where the Agency first determines that a site is or will be subject to the requirements of this Part but the operator has not been so notified pursuant to subsection (a) of this Section, the Agency will promptly notify the operator of the site in the manner specified in subsection (a) of this Section, except that the notice shall additionally specify the amount and number of quarterly payments

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determined to be past due, if any, based upon either the calendar quarter of commencement of hazardous waste disposal operations or hazardous waste management operations at the site or the first calendar quarter of 1985, whichever is later.

- c) Nothing in this Section shall be construed as limiting, conditioning nor extinguishing the liability of a site operator for fees owed pursuant to Section 22.8 of the Act.

(Source: Amended at 13 Ill. Reg. 13212, effective August 7, 1989).

Section 856.202 Changes in Status

- a) Whenever the number or type of operational units located within a hazardous waste disposal site or hazardous waste management facility is or will be changed, the operator of the site shall, on or before the date of such change, notify the Agency in writing, specifying the nature of the change of status; notification after the date of such change shall be deemed not timely.

- b) Whenever the Agency discovers or is advised by the operator of a change in status (i.e., a change in the number or type of operational units) at a hazardous waste disposal site or hazardous waste management facility, the Agency will promptly determine the effect. If any, of such change in status upon the permit and inspection fee for the site.

- c) If a change in status hereunder results in a change in the hazardous waste disposal site's or hazardous waste management facility's permit and inspection fee, the Agency will promptly notify the operator of the site in the manner specified in Section 856.201(a), except that the notice shall additionally specify:

- 1) The reason for the change;
- 2) The date of the change;
- 3) The effect of such change upon the amount of future fee payments; and
- 4) The amount of retroactive fee increases due, if any, by operation of subsection (d) of this Section.

- d) Where a change in status results in a change in the fee applicable to a site, any effect of such change shall be prospective (i.e., shall be reflected in the next quarterly installment fee payment following the quarter in which the change occurs).

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- e) For purposes of this Section, the date of a site's change in status shall be the date on which an operational unit commences operations, ceases operations in accordance with subsection (f) of this Section or is transformed into another type of operational unit (as where an on-site hazardous waste disposal site begins to receive wastes not generated at the site, thereby becoming an off-site hazardous waste disposal site). Note that a change in status does not necessarily affect the fee applicable to a site.

- f) The status of a site shall not be affected by temporary, seasonal or periodic fluctuations in disposal activities at any operational unit. An operational unit shall be deemed to cease operations (i.e., to have received or injected the final volume of hazardous waste in contemplation of closure) at the earlier of:

- 1) The date on which operations have ceased, as proved by the operator to the Agency;
- 2) The date on which the operator has proved notice to the Agency that operations have ceased; or
- 3) The date on which the Agency has discovered that operations have ceased;

except that any operational unit which has ceased operations prior to the date of first notice pursuant to Section 856.201 shall be deemed to have ceased operations on the actual date of last receipt or injection of hazardous waste. Notwithstanding the provisions of this subsection (f), payment of any fee installment under these rules shall constitute an admission by the operator that the operational unit has not ceased operations.

(Source: Amended at 13 Ill. Reg. 13212, effective August 7, 1989).

Section 856.204 Quarterly Submission of Fees

- a) Except as otherwise provided in this Section, payment of the permit and inspection fee monies shall be made on a quarterly basis. Such payment shall be received by the Agency on or before the first working day of each calendar quarter; however, the quarterly fee payments for the first two calendar quarters of 1985 shall be due on or before April 15, 1985, and July 15, 1985, respectively. Any owner or operator of a hazardous waste disposal site who by virtue of this subsection (a) is required to make two quarterly fee payments in the month of July, 1985, may defer one such payment for not more than 45 days upon written notice to the Agency received by the Agency on or before the original due date for that payment. The fee for

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facilities regulated under Section 22.8(b)(7) of the Act (as amended by P.A. 85-1343, effective January 1, 1989) shall not be paid quarterly but rather shall accompany the annual report required by Board regulations for the calendar year for which the report applies.

- b) Any retroactive portion of a fee imposed pursuant to Section 856.201(b) or of a fee increase imposed pursuant to Section 856.202(d) shall be due and payable within 10 days of receipt of notification from the Agency pursuant to Sections 856.201(b) or 856.202(c).
- c) When a hazardous waste disposal site or hazardous management facility commences operations after timely notice to the Agency pursuant to Section 856.202(a), no portion of the annual fee shall be retroactively imposed; only those quarterly installments which become due following the calendar quarter in which operations commence shall apply.

(Source: Amended at 13 Ill. Reg. _____, 13212 _____, effective August 7, 1989.)

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- 1) The Heading of the Part: Surface Installation Health and Safety
- 2) Code Citation: 62 Ill. Adm. Code 220
- 3) Section Numbers Adopted Action
220.160 Amended
- 4) Statutory Authority: Sections 2.12 and 38.2 of The Coal Mining Act (Ill. Rev. Stat. 1987, Ch. 96 1/2, pars. 312, 3802)
- 5) Effective Date of Amendments: August 7, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 7, 1989
- 9) Notice of Proposed Amendments Published in Illinois Register:
January 20, 1989, 13 Ill. Reg. 765
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
 - A) We have made grammar, punctuation and stylistic changes not effecting the rules.
 - B) In Section 220.160(f)(20), the spelling of "guage" was corrected to "gauge".
 - C) In Section 220.160(i)(14), "to prevent falling" was added at the end of the sentence.
 - D) In Section 220.160(i), a new subsection (9) was added to define "isolated" area as used in Subsections (7) and (8).
 - E) In Section 220.160(i)(10), a record keeping requirement was added to the inspection requirements. This requirement recognizes and provides for record keeping in situations in which the operator uses the services of an independent contractor to perform tire work.
- 12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will these Amendments replace an Emergency Amendment currently in effect?:
No

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14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rule(s): These adopted rules contain full and partial deflation requirements under certain conditions when wheels are being removed from vehicles to avoid the dangers associated with the explosive forces which can be released from fully inflated tires. Specifically, full deflation would be required prior to removal whenever the wheel is to be removed from service or visual inspection reveals any damage affecting the safe operation of the wheel. Partial deflation (to the minimum pressure which will maintain the bead) would be required of tires which pass inspection if rim components such as rim clamps or lug nuts are to be removed. The full and partial deflation requirements would apply to both wheels of a dual assembly, except that the tire of an inside wheel which passes inspection would not be required to be deflated if only the outside wheel is intended to be removed.

An exception to the deflation requirements is made for certain procedures such as brake and wheel bearing repairs where the wheel or wheels can be detached from the axle shaft without removal of rim components (i.e., in cases where the rim assembly remains attached to a wheel/axle component). This exception is made because the rim components are not themselves disturbed. A requirement is added, however, that the wheel assembly be secured to the conveyance used to remove it due to the weight and handling difficulties of such assemblies.

In formulating these adopted rules, the Department has attempted to recognize the dangers present in inflating tires; deflation requirements have not been interposed where the Department believes the net result would be increased danger because of reinflation. To further reduce the danger of reinflation, the adopted rules increase the required length of the air hose to 10 feet to allow workers to be out of the way of the tire during reinflation on a vehicle.

When tire and rim assemblies have been removed from service, an inspection of all components is required. Damaged rim components could not be returned to service. Cutting, welding, brazing and other applications of heat would be prohibited except on wheel stops and lugs when the tire is removed from the rim.

Storage requirements would be established, again because of the weight and handling difficulty of wheels, to prevent the possibility of injury from falling wheels.

Finally, technical changes, not affecting the operation of the rule, has been made including the enumeration of requirements in a separately headed subsection.

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16) Information and questions regarding these adopted amendments shall be directed to:

John C. Lynch
Rules Coordinator
300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-0125

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF MINES AND MINERALS
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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 220
SURFACE INSTALLATION HEALTH AND SAFETY

Section	
220.10	Introduction and Definitions
220.20	Surface Installations
220.30	Thermal Dryers
220.40	Safeguard For Mechanical Equipment
220.50	Electrical Equipment--General
220.60	Trailing Cables
220.70	Grounding
220.80	Surface High-Voltage Distribution
220.90	Low and Medium-Voltage Alternating Current Circuits
220.100	Ground Control
220.110	Fire Protection
220.120	Mine Maps
220.130	Explosives and Blasting
220.140	Man Hoisting
220.150	Auger Mining
220.160	Loading and Haulage
220.170	Miscellaneous
220.180	Trolley Wires and Trolley Feeder Wires
220.190	Slope and Shaft Sinking
220.200	Surface Bathing Facilities, Change Rooms and Sanitary Flush Toilet Facilities at Surface Coal Mines
220.210	Sanitary Toilet Facilities at Surface Coal Mines
220.220	Drinking Water
220.230	Health and Safety Rules Applicable to Underground Coal Mines

AUTHORITY: Implementing and authorized by Sections 2.12 and 38.2 of the Coal Mining Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 312 and 3802).

SOURCE: Filed October 27, 1976, effective November 27, 1976; emergency amendment at 2 Ill. Reg. 19, p. 147, effective May 3, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, p. 216, effective May 5, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 20, p. 142, effective May 17, 1979; amended at 4 Ill. Reg. 48, p. 220, effective December 17, 1980; amended at 7 Ill. Reg. 6491, effective May 9, 1983; emergency amendment at 7 Ill. Reg. 12895, effective September 20, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 8915; amended at 8 Ill. Reg. 12313, effective July 5, 1984; amended at 10 Ill. Reg. 224, effective February 7, 1986; amended at 10 Ill. Reg. 8104, effective June 15, 1986; amended at 13 Ill. Reg. 13220, effective August 7, 1989.

Section 220.160 Loading and Haulage

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- a) Loading and haulage; general.
- 1) Only authorized persons shall be permitted on haulage roads and at loading or dumping locations.
 - 2) Traffic rules, signals, and warning signs shall be standardized at each mine and posted.
 - 3) Where side or overhead clearances on any haulage road or at any loading or dumping location at the mine are hazardous to mine workers, such areas shall be conspicuously marked and warning devices shall be installed when necessary to insure the safety of the workers.
 - 4) All active access and haulage roads will be kept in safe condition, reasonably free of holes, mud, snow, ice, and other dangerous conditions.
 - 5) All two (2)-way haulage roads will be constructed so they will have a running surface a minimum of three (3) times the width of the widest piece of haulage equipment traveling the road, including all ramps and inclines into the pit.
 - 6) When haulage roads cross a road used by the public, two hundred (200) feet of unobstructed vision from the intersection must be maintained for mobile equipment and all other vehicles used by mine personnel. Traffic controls shall be established at the intersection.
 - 7) Where adequate visibility is not provided, and where deemed necessary by a representative of the Department of Mines and Minerals, a signal light shall be installed where a haulage road crosses railroad tracks.
- b) Transportation of persons; restrictions.
- No person shall be permitted to ride or be otherwise transported on or in the following equipment whether loaded or empty:
- 1) Dippers, shovels, buckets, forks, and clamshells;
 - 2) The cargo space of dump trucks or haulage equipment used to transport coal or other material;
 - 3) Outside the cabs and beds of mobile equipment;
 - 4) Chain, belt, or bucket conveyors, except where such conveyors are specifically designed to transport persons; and
 - 5) Loaded buckets on aerial tramways.
- Use of aerial tramways to transport persons.
- Persons other than maintenance men shall not ride empty buckets on aerial tramways unless the following features are provided:
- 1) Two (2) independent brakes, each capable of holding the maximum load;
 - 2) Direct communication between terminals;
 - 3) Power drives with emergency power available in case of primary power failure; and
 - 4) Buckets equipped with positive locks to prevent accidental tripping or dumping.
- c) Trains and locomotives; authorized persons.
- 1) Only authorized persons shall be permitted to ride on trains or

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- e) locomotives and they shall ride in a safe position.
2) Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

Transportation of persons; overcrowding.

- 1) No man-trip vehicle or other conveyance used to transport persons to and from work areas at surface coal mines shall be overcrowded and all persons shall ride in a safe position.

- 2) Supplies, materials, and tools other than small handtools shall not be transported with men in man-trip vehicles unless such vehicles are specifically designed to make such transportation safe.

- 3) Man-trip vehicles shall be provided with adequate heat, ventilation, and maintained so as to provide the best possible protection of the riders.

- 4) At no time will man-trip vehicles hauling riders exceed forty (40) miles per hour.

- 5) Each man-trip compartment shall have two (2) separate means of escape.

f) Loading and haulage equipment; installations.

- 1) Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

- 2) Mobile equipment shall be equipped with adequate brakes, and all trucks and front-end loaders shall also be equipped with parking brakes.

- 3) Positive-action type brakes shall be provided on aerial tramways.

- 4) Mobile equipment shall be provided with audible warning devices. Lights shall be provided on both ends when required.

- 5) Guard nets or other suitable protection shall be provided where tramways pass over roadways, walkways, or buildings.

- 6) Guards shall be installed to prevent swaying buckets from hitting towers.

- 7) Aerial tramway cable connections shall be designed to offer minimum obstruction to the passage of wheels.

- 8) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices, or other suitable devices.

- 9) Ramps and dumps shall be of solid construction, of ample width, have ample clearance and headroom, and be kept reasonably free of spillage.

- 10) Chute-loading installations shall be designed so that the men pulling chutes are not required to be in a hazardous position during loading operations.

- 11) Berms or guards shall be provided on the outer bank of elevated roadways.

- 12) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

- 13) Roadbeds, rails, joints, switches, frogs, and other elements on

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railroads shall be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

- 14) Where practicable, a minimum of thirty (30) inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one (1) side of the tracks; all places where it is impossible to provide thirty (30) inch clearance shall be marked conspicuously.

- 15) Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

- 16) Positive-acting stop-blocks, derail devices, track skates, or other adequate means shall be installed wherever necessary to protect persons from run-a-way or moving railroad equipment.

- 17) Switch throws shall be installed so as to provide adequate clearance for switchmen.

- 18) Where necessary, bumper blocks or the equivalent shall be provided at all track dead ends.

- 19) All coal cars will be inspected for broken steps, platforms, brake wheels and adequate brakes before handled by car droppers or load riders.

- 20) All railroad beds, rails, ties, joints, switches, frogs, and other elements on a railroad shall be kept clean of spilled coal, mud, weeds, and be provided with good drainage so ties can be visually inspected for decay and visual inspection can be made for loose joints, spikes, and proper gauge.

- 21) Whenever practical rail cars will be positioned so the brakes are on the back of the cars when men are required to operate hand brakes.

g) Loading and haulage equipment; inspection and maintenance.

- 1) Mobile loading and haulage equipment shall be inspected by a person competent to conduct such inspections before such equipment is placed in operation. Equipment defects affecting safety shall be recorded and reported to the operator, and such defects shall be repaired. Such records shall be available for inspection by State Mine Inspectors and the authorized representative of the miners.

- 2) Carriers on aerial tramways, including loading and unloading mechanisms, shall be inspected each shift; brakes shall be inspected daily; ropes and supports shall be inspected as recommended by the manufacturer or as physical conditions warrant. Equipment defects affecting safety shall be reported to the mine operator, and such defects shall be repaired.

- 3) Equipment defects affecting safety shall be corrected before the equipment is used.

h) Loading and haulage equipment; operation.

- 1) Vehicles shall follow at a safe distance; passing is prohibited on hills, curves, at intersections, at railroads, in congested areas, and other areas where clearance and visibility is inadequate.

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- 2) Mobile equipment operators shall have full control of the equipment while it is in motion.
- 3) Equipment operating speeds shall be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.
- 4) Cabs of mobile equipment shall be kept free of extraneous materials.
- 5) Operators shall sit facing the direction of travel while operating equipment with dual controls.
- 6) When an equipment operator is present, men shall notify him before getting on or off equipment.
- 7) Equipment operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.
- 8) Where possible, aerial tramways shall not be started until the tramway operator has ascertained that everyone is in the clear.
- 9) Dust control measures shall be taken where dust significantly reduces visibility of equipment operators.
- 10) Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.
- 11) Men shall not work or pass under the buckets or booms of loaders in operation.
- 12) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.
- 13) Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or berm, or shall be blocked, when such equipment is parked on a grade.
- 14) Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.
- 15) Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.
- 16) Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.
- 17) Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.
- 18) When moving between work areas, the equipment shall be secured in the travel position.
- 19) Any load extending more than four (4) feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.
- 20) Tow bars shall be used to tow heavy equipment and a safety chain shall be used in conjunction with each tow bar. When heavy equipment is to be towed, the towing vehicle shall be of

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- 21) Railroad cars shall be kept under control at all times by the car dropper. Cars shall be dropped at a safe rate and in a manner that will insure that the car dropper maintains a safe position while working and traveling around the cars.
- 22) Railroad cars shall not be coupled or uncoupled manually unless the railroad and cars are so designed to eliminate any hazard from coupling or uncoupling cars. All persons manually applying brakes on moving rail cars shall step to the side ladder of the car before coupling.
- 23) Persons shall wear safety belts when dropping railroad cars.
- 24) Railcars shall not be left on sidetracks unless ample clearance is provided for traffic on adjacent tracks.
- 25) Parked railcars, unless held effectively by brakes, shall be blocked securely.
- 26) Railroad cars and all trucks shall be trimmed properly when they have been loaded higher than the confines of their cargo space.
- 27) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started. Conveyors shall be locked out or otherwise rendered inoperable and tagged with a "Do Not Operate" tag prior to repairs.
- 28) Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length. Conveyor emergency stop switches shall be designed so that a conveyor cannot be started until the activating stop switch has been reset to the running or "on" position. All conveyor controls, including emergency stop devices, shall be distinctly identified.
- 29) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.
- 30) Aerial tram conveyor buckets shall not be overloaded, and feed shall be regulated to prevent spillage.
- 31) Cabs of mobile equipment shall be provided with a properly secured extra seat where possible when training people to operate such equipment.
- i) Handling, storage and repair of large pneumatic tires
~~1) Tires shall be deflated and removed from rim if welding or cutting is to be performed on wheel. Before performing any work on a vehicle requiring removal of the tire and wheel assembly from the axle shaft or removal of any rim components,~~
 -3271

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such as rim clamps or lug nuts, from a wheel equipped with split rims or locking rings, a visual inspection of the tire and rim assembly must be conducted. If any defect, damage or improper seating of the tire or rim components is noted, or if the tire or rim assembly is to be removed from service, the tire must be completely deflated before any removal work is begun.

2) If no defect, damage or improper seating of the tire or rim components is noted and the tire and rim assembly are intended to be kept in service, the following requirements apply depending on the work to be done:

A) if the work to be performed requires the removal of rim components, such as rim clamps or lug nuts, the tire must be deflated to the lowest pressure which will maintain the seal and locking of the tire to the rim in accordance with the manufacturer's specifications before any removal work is begun.

B) if the work to be performed (e.g. brake repair, wheel bearing repair) requires the removal of the tire and wheel assembly, but does not entail removal of rim components such as rim clamps or lug nuts, the tire and wheel assembly is not required to be deflated but must be secured to the conveyance with which it is removed from the vehicle.

3) On any dual tire and wheel assembly, the inspection and deflation requirements must be performed on both wheels before the removal of any rim components from either wheel, but a separately locked inside wheel, unless required to be deflated as a result of the inspection, need not be deflated if only the outside wheel is to be removed.

4) Tires installed on split rims or rims equipped with locking rings that have been removed from vehicles and repaired or replaced shall be protected by a safety tire rack, cage or equivalent protection while being inflated if inflation is performed off the vehicle. No person shall position himself in front of a tire being inflated on or off the equipment.

--3375) After January 1, 1978, there shall be no tire greater than twenty (20) inches inside diameter and more than twelve (12) ply shall be removed from or remounted changed on a rim wheel in or about a central mine shop, surface or underground, without the use of mechanical equipment designed to remove tires from rims wheels or to remount tires on the rims wheels. No such equipment shall be used if the person operating such equipment is thereby exposed to any of the dangers associated with the changing of tires.

--3476) After January 1, 1978, a specific safe isolated area for the operator of tire changing equipment shall be supplied in or about any central mine shop, of any surface or underground mine

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in the State of Illinois.

--3577) If tires are dismounted or mounted at central mine shops, surface or underground the area in which this work is performed shall be isolated from all other work areas in the shop.

--3678) All persons engaged in inflating tires in central mine shops, surface or underground, shall do so in an area isolated from other workmen, except those workmen performing work on tires.

9) For the purpose of subsections (7) and (8), "isolated" means that the area is situated or barricaded such that persons other than workers performing work on tires are not permitted to enter or be within the potential area of trajectory of any explosive forces which might be released during any work on tires and rim assemblies.

--37710) Before any cutting, welding or heating is performed on rims or wheels, wheels must be removed from the vehicle and tires removed from the wheel. When a tire has been removed from a rim assembly and before the tire or rim is returned to service, an inspection of all components must be conducted. Rim flanges, rim gutters, rings, bead seating surfaces and bead areas must be thoroughly cleaned and visually inspected for cracks, bends, and pitting. If any conditions are found that affect the safe use of the rim or rim components, the rim or rim components shall be removed from service. The operator shall make a record of the inspection of each tire and rim assembly which is to be returned to service in a book kept for that purpose. The record shall be signed and include the date of inspection, and an identifying number or other marking which shall also be affixed to and remain on the tire and rim assembly from the time of inspection until installation on a vehicle. If the operator uses an independent contractor for servicing tires and rim assemblies, the operator must verify that the provisions of this subsection (10) have been complied with prior to entering and signing the record, unless the record is entered and signed by an authorized agent or employee of the independent contractor.

11) Cutting, welding, brazing or heating of any rim assembly is prohibited except for the repair or replacement of wheel stops or lugs, and then only with the tire removed from the rim.

--3812) There shall be supplied at all tire airing stations a clip-on air chuck with no less than ten (10) six-foot of air hose from the valve stem to the inflator gauge.

--39713) No person shall be allowed to inflate tires at any mine in the State of Illinois from oxygen or acetylene supply tanks.

14) Tires greater than twenty (20) inches inside diameter, if stored lying flat shall be stored to a depth no greater than two tires or five feet. Tires greater than twenty (20) inches inside diameter, if stored upright, must be secured to prevent falling.

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f)j) Dumping facilities.

- 1) Dumping locations and haulage roads shall be kept reasonably free of water, debris, and spillage.
- 2) Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks shall be dumped a safe distance back from the edge of the bank.
- 3) Adequate protection shall be provided at dumping locations where persons may be endangered by falling material.
- 4) Grizzlies, grates, and other sizing devices at dump and transfer points shall be anchored securely in place.
- 5) Where trucks are backing into dumping or loading position and the operator cannot see openings or edges of coal rib or bench, another person shall be assigned to direct trucks. Lights shall be used at night to help direct the truck operator. A person used to spot trucks shall be well in the clear.
- 6) When hopper is not being used, proper barricades will be installed to protect anyone from falling or driving into opening.

(Source: Amended at 13 Ill. Reg. 13220 _____, effective August 7, 1989.)

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1) Heading of Part:

Hospital Licensing Requirements

2) Code Citation:

77 Ill. Adm. Code 250

3) Section Numbers:

250.310
250.1830
250.1850
250.1860

Adopted Action:

Amendments
Amendments
Amendments

4) Statutory Authority:

Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2. par. 142 et seq.)

5) Effective Date of Amendments:

September 1, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

September 1, 1989

9) Date Notice of Proposal Published in Illinois Register:

December 2, 1988 (12 Ill. Reg. 19892)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In Section 250.1850(b)(4)(F) the phrase "and put on a clean gown" has been deleted to insure that this provision is consistent with the language which is being added to Section 250.1830(k)(4)(C), which does not require gowning of visitors.

The phrase in Section 250.1860(a) which read "limited waiver of Section

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250.1310(b)" has been corrected to refer to Section 250.1305(a), instead of Section 250.1310(b).

Several typographical corrections were also made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division. No other changes were made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

- 14) Are there any other Amendments Pending on this Part? No.

- 15) Summary and Purpose of Rules:

These amendments address three issues in the administration of the Department's statutory responsibilities for the licensure of hospitals.

First, the changes in Section 250.310 implement a statutory change concerning the procedure for granting and renewing medical staff privileges. Secondly, the changes in Sections 250.1830 and 250.1850 update the maternity service requirements to permit sibling and grandparent visitation programs. Thirdly, the changes in Section 250.1860 update the provisions concerning attendance at Cesarean births to allow hospitals to permit a support person who is not the husband of the mother or the father of the infant to attend.

Medical Staff Privileges: Amendments to Section 250.310 are being adopted to implement the provisions of a recent amendment to the Hospital Licensing Act. Section 64 of Public Act 85-4 (Senate Bill 243), which became effective May 22, 1987, added a new Section 10.4 to the Hospital Licensing Act. Other provisions of Public Act 85-4 enacted the Medical Practice Act of 1987. This new provision of the Hospital Licensing Act requires hospitals to request information from the Department of Professional Regulation concerning the licensure status and disciplinary history taken against the license of the applicant or medical staff member, during the credentialing process and the consideration of granting and renewing medical staff privileges. Such information must be requested by the hospital prior to granting or renewing staff privileges to medical staff members. These amendments add this statutory requirement to the rules.

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Sibling and Grandparent Visitation: Amendments to Sections 250.1830 and 250.1850 update the maternity service requirements to permit sibling and grandparent visitation programs. Policies and procedures for the operation of such programs would be included in the hospital's Maternity and Neonatal Services Plan. Specifically the amendments replace an overly restrictive provision of the current rules with a broader provision which allows hospitals to develop these programs within certain guidelines. The amendments prescribe certain required elements of such programs.

Support Persons at Cesarean Births: The changes in Section 250.1860 update the provisions concerning attendance at Cesarean births. The amendments clarify the rules to specify that the support person may be someone other than the husband of the mother or the father of the infant. The amendments also update the language of the rules.

- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section
250.110 Application for and Issuance of an Initial Permit to Establish a Hospital
250.120 Application for and Issuance of a License to Operate a Hospital
250.130 Administration by the Department
250.140 Hearings
250.150 Definitions
250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

250.210 The Governing Board
250.220 Accounting
250.230 Planning
250.240 Admission and Discharge --- General
250.250 Visiting Rules
250.260 Patients' Rights
250.270 Manuals of Procedure

SUBPART C: THE MEDICAL STAFF

250.310 Organization
250.320 Admission and Supervision of Patients
250.330 Orders for Medications and Treatments
250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

250.410 Organization
250.420 Personnel Records
250.430 Duty Assignments
250.440 Education Programs
250.450 Personnel Health Requirements
250.460 Benefits

SUBPART E: LABORATORY

250.510 Laboratory Services
250.520 Blood and Blood Components

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250.525 Designated Blood Donor Program
250.530 Proficiency Survey Program
250.540 Laboratory Personnel
250.550 Western Blot Assay Testing Procedures

SUBPART F: RADIOLOGICAL SERVICES
(RELATING TO RADIOLOGY OR NUCLEAR RADIATION)

250.610 General Diagnostic Procedures and Treatments
250.620 Radioactive Isotopes
250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

250.710 Classification of Emergency Services
250.720 General Requirements
250.725 Notification of Paramedics and Ambulance Personnel
250.730 Community or Area-wide Planning
250.740 Disaster and Mass Casualty Program
250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

250.810 Applicability of Other Parts of These Requirements
250.820 General
250.830 Classifications of Restorative and Rehabilitation Services
250.840 General Requirements for all Classifications
250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860 Medical Direction
250.870 Nursing Care
250.880 Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

250.910 Nursing Services
250.920 Organizational Plan
250.930 Role in hospital Planning
250.940 Job descriptions
250.950 Nursing committees
250.960 Specialized nursing services
250.970 Nursing Care Plans
250.980 Nursing Records and Reports
250.990 Unusual Incidents
250.1000 Meetings
250.1010 Education Programs
250.1020 Licensure
250.1030 Policies and Procedures

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250.1040
250.1050
250.1060
250.1070
250.1080
250.1090
250.1100

Patient Care Units
Equipment for Bedside Care
Drug Services on Patient Unit
Care of Patients
Admission Procedures Affecting Care
Sterilization and Processing of Supplies
Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

250.1210
250.1220
250.1230
250.1240
250.1250
250.1260
250.1270
250.1280
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250.1300
250.1305
250.1310
250.1320

Surgery
Surgery Staff
Policies & Procedures
Surgical Privileges
Surgical Emergency Care
Operating Room Register
Surgical Patients
Equipment
Safety
Operating Room
Visitors in Operating Room
Cleaning of Operating Room
Regulations for Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

250.1410

Anesthesia Service

SUBPART L: RECORDS AND REPORTS

250.1510
250.1520

Medical Records
Reports

SUBPART M: FOOD SERVICE

250.1610
250.1620
250.1630
250.1640
250.1650
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250.1670
250.1680

Dietary Department Administration
Facilities
Menus and Nutritional Adequacy
Diet Orders
Frequency of Meals
Therapeutic (Modified) Diets
Food Preparation and Service
Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

250.1710
250.1720

Housekeeping
Garbage, Refuse and Solid Waste Handling and Disposal

250.1730
250.1740
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Insect and Rodent Control
Laundry Service
Soiled linen
Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

250.1810
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250.1830
250.1840
250.1850
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Applicability of other Parts of these regulations
Maternity and Neonatal Service Regulations (Perinatal Service)
General Requirements for all Maternity Departments
Discharge of Newborn Infants from Hospital
Rooming-In Care of Mother and Infant
Special Programs

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS -- HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

250.1910
250.1920
250.1930
250.1940
250.1950
250.1960
250.1970
250.1980

Maintenance
Emergency electric service
Water Supply
Ventilation, Heating, Air Conditioning, and Air Changing Systems
Grounds and Buildings Shall be Maintained
Sewage, Garbage, Solid Waste Handling and Disposal
Plumbing
Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

250.2010
250.2020

Definition
Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

250.2110
250.2120
250.2130
250.2140

Service Requirements
Personnel Required
Facilities for Services
Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

250.2210
250.2220
250.2230
250.2240
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250.2260
250.2270

Applicability of other Parts of these Regulations
Establishment of a Psychiatric Service
The Medical Staff
Nursing Service
Allied Health Personnel
Staff and Personnel Development and Training
Admission, Transfer and Discharge Procedures

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250.2280 Care of Patients
 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and
 Psychiatric Units of General Hospitals or General Hospitals
 Providing Psychiatric Care
 250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

250.2410 Applicability of these Standards
 250.2420 Submission of Plans for New Construction, Alterations or Additions
 to Existing Facility
 250.2430 Preparation of Drawings and Specifications -- Submission
 Requirements
 250.2440 General Hospital Standards
 250.2450 Details
 250.2460 Finishes
 250.2470 Structural
 250.2480 Mechanical
 250.2490 Plumbing and Other Piping Systems
 250.2500 Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

250.2610 Applicability of these Standards
 250.2620 Codes and Standards
 250.2630 Existing General Hospital Standards
 250.2640 Details
 250.2650 Finishes
 250.2660 Mechanical
 250.2670 Plumbing and Other Piping Systems
 250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

250.2710 Special Care and/or Special Service Units

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

250.2810 Applicability of Other Parts of These Requirements
 250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
 250.2830 Classification and Definitions of Service and Programs
 250.2840 General Requirements for all Hospital Alcoholism Program
 Classifications
 250.2850 The Medical and Professional Staff
 250.2860 Medical Records
 250.2870 Referral
 250.2880 Client Legal and Human Rights

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ILLUSTRATION A Seismic Zone Map
 APPENDIX A Codes and Standards (Repealed)
 EXHIBIT A Codes (Repealed)
 EXHIBIT B Standards (Repealed)
 EXHIBIT C Addresses of Sources (Repealed)
 TABLE A Measurements Essential for Level I, II, III Hospitals
 TABLE B Sound Transmission Limitations in General Hospitals
 TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning
 Systems in General Hospitals (Repealed)
 TABLE D General Pressure Relationships and Ventilation of Certain Hospital
 Areas (Repealed)
 TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air
 TABLE F General Pressure Relationships and Ventilation of Certain Hospital
 Areas
 TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act (Ill.
 Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.)

SOURCE:

Rules repealed and new rules adopted August 27, 1978: emergency
 amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a
 maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May
 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective
 July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45,
 p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88,
 effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233,
 effective May 20, 1980; amended at 5 Ill. Reg. 25, p. 138, effective
 June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29,
 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981;
 amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6
 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835
 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962,
 effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221,
 effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg.
 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective
 July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983;
 codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148,
 effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective
 April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1,
 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended
 at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill.
 Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760,
 effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective
 September 1, 1989.

NOTE: Capitalization indicates statutory language.

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SUBPART C: THE MEDICAL STAFF

Section 250.310 Organization

- a) The medical staff shall be organized in accordance with written bylaws, rules and regulations, approved by the Governing Board. The bylaws, rules and regulations shall specifically provide but not be limited to the following provisions:
- 1) written procedures relating to the acceptance and processing of initial applications for medical staff membership, granting and denying of medical staff reappointment, and medical staff membership or clinical privileges disciplinary matters.
 - A) The procedures for initial applicants at any particular hospital may differ from those for current medical staff members. However, the procedures at any particular hospital shall be applied equally to each practitioner eligible for medical staff membership under Section 250.150 (Medical Staff) of this Part.
 - B) The procedures relating to evaluating individuals for staff membership, whether the practitioners are or are not currently members of the medical staff, shall include procedures for determination of qualifications and privileges, criteria for evaluation of qualifications, and procedures requiring information about current health status, current license status in Illinois, and biennial review of renewed license.
 - C) The procedure shall grant to current medical staff members at least: written notice of an adverse decision by the Governing Board; an explanation and reasons for an adverse decision; the right to examine and/or present copies of relevant information, if any, related to an adverse decision; an opportunity to appeal an adverse decision; and written notice of the decision resulting from the appeal. The procedures for providing written notice shall include timeframes for giving such notice.
 - D) The procedures shall provide that, PRIOR TO THE GRANTING OF ANY MEDICAL STAFF PRIVILEGES TO AN APPLICANT, OR RENEWING A CURRENT MEDICAL STAFF MEMBER'S PRIVILEGES, the hospital SHALL REQUEST OF THE DIRECTOR OF THE DEPARTMENT OF PROFESSIONAL REGULATION INFORMATION CONCERNING THE LICENSE STATUS AND ANY DISCIPLINARY ACTION TAKEN AGAINST

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Section 250.310(a)(1)(D) (continued)

THE APPLICANT'S OR MEDICAL STAFF MEMBER'S LICENSE.
(Section 10.4 of the Act)

- 2) for such divisions and departments as are warranted; (as a minimum, active and consulting divisions are required);
- 3) for such officers as are warranted;
- 4) for committees as are warranted to assure the responsibility for such functions as pharmacy and therapeutics, infection control, utilization review, patient care evaluation, and the maintenance of complete medical records;
- 5) that active medical staff meetings be held regularly, and that written minutes of all meetings be kept;
- 6) for review and analysis of the clinical experience of the hospital at regular intervals -- the medical records of patients to be the basis for such review and analysis;
- 7) conditions or situations which require consultation;
- 8) for consultation between medical staff members in complicated cases;
- 9) that tissue removed at operation shall be examined by a qualified pathologist and that the findings shall be made a part of the patient's medical record;
- 10) for keeping completed medical records;
- 11) for written Utilization Review Plan which shall be in accordance with the Conditions of Participation for Hospitals in the Medicare Program.
- 12) for Medical Care Evaluation Studies;
- 13) Surgical Assistants
 - A) for policies requiring a physician as first assistant to major and/or hazardous surgery. Written criteria to determine when an assistant is necessary shall be established and be a part of the surgical department procedure manual.

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- B) Through their credentialing and/or privilege granting process the medical staff shall assure that a qualified surgical assistant, whether a physician or non-physician, assists the operating surgeon in the operating room. (Refer to Requirements (1), (6), (7), (8) and (12) above.)

14) Allied Health Personnel

- A) For determination of additional privileges that may be granted a staff member for the use of his/her employed allied health personnel in the hospital in accordance with policies and procedures recommended by the medical staff and approved by the governing authority.
- B) The staff member requesting this additional privilege shall submit for review and approval by the medical staff and the governing authority of the hospital,
- i) the curriculum vitae of the identified allied health personnel, and
 - ii) written protocol with description of duties, assignments and/or functions, and including description of manner of performance within the hospital by the allied health personnel in relationship with other hospital staff.
- b) Regardless of any other categories (divisions of the medical staff) having privileges in the hospital, there shall be an active staff which must include physicians and may also include podiatrists and dentists, properly organized, which perform all the organizational duties pertaining to the medical staff. These include:
- 1) Maintenance of the proper quality of all medical care and treatment of inpatients and outpatients in the hospital. Proper quality of medical care and treatment includes:
 - A) availability and use of accurate diagnostic testing for the types of patients admitted;
 - B) availability and use of medical, surgical, and psychiatric treatment for patients admitted;
 - C) availability and use of consultation, diagnostic tools and treatment modalities for the care of patients admitted

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- including the care needed for complications which may be expected to occur;
- D) availability and performance of auxiliary and associate staff with documented training and experience in diagnostic and treatment modalities in use by the medical staff and documented training and experience in managing complications which may be expected to occur.
- 2) Organization of the medical staff, including adoption of rules and regulations for its government (which require the approval of the governing body), election of its officers or recommendations to the governing body for appointment of the officers, and recommendations to the governing body upon all appointments to the staff and grants of hospital privileges;
 - 3) Other recommendations to the governing body regarding matters within the purview of the medical staff.
 - 4) The medical staff may include one or more divisions in addition to the active staff, but this in no way modifies the duties and responsibilities of the active staff.

(Source: Amended at 13 Ill. Reg. 13232 effective September 1, 1989)

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section 250.1830 General Requirements for all Maternity Departments

- a) Heating of nurseries and delivery suite. The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mother and baby as determined by the responsible people in the department and as recommended by the American Academy of Pediatrics and ACOG. Chilling of the neonate must be avoided: the neonate must be immediately placed in an approved radiant heat source plugged in and ready to receive the infant and which allows access for resuscitation efforts. Personnel trained to use the equipment to maintain a neutral thermal environment for the neonate shall be available. For general temperature and humidity requirements see Section 250.2480(d)(1) of this Part ~~these requirements~~. In general, a temperature between 72 degrees and 76 degrees and relative humidity between 35% and 60% is acceptable.

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b) Linens and Laundry

- 1) ~~A)~~ It is recommended that all washable bedding, including blankets, and garments used for newborn infants, be autoclaved before use when there is not positive assurance that all items have been satisfactorily washed, are clean and safe for use.
 - 2) ~~B)~~ Diapers and other soiled nursery linen shall be washed separately from each other and from other hospital linen. Chutes from nursery to laundry shall be used only if a system of negative pressure vacuum is in effect.
 - 3) ~~C)~~ Linens used in observation and special care nurseries shall be autoclaved.
 - 4) ~~D)~~ Soiled linen shall be placed in hampers easy to clean and disinfect, and removed from the area every eight hours in sealed bags.
 - 5) ~~E)~~ No new unlaundered garments shall be used in the nursery.
- c) ~~Sterilizing equipment~~ Sterilizing equipment, as required in Section 250.1090(d)(33)(N), shall be available. This may be provided in the maternity department or in a central sterilizing unit provided, flash sterilizing equipment or adequate sterile supplies and instruments shall be provided in the maternity department.

d) Accommodations and facilities for mothers

- 1) The hospital shall identify specific rooms and beds, adjacent when possible to other maternity facilities, as maternity rooms and beds. These rooms and beds shall be used exclusively for maternity patients or for combined maternity and gynecological service beds as provided in a plan specifically approved by the Department in accordance with Section 250.1820(h).
- 2) Use of adjacent patient rooms and beds. Whenever feasible, adjacent patient rooms and beds may be used as "swing beds" to be made a part of another nursing unit. Adjacent rooms and beds may be used for clean cases. A corridor partition with doors is recommended to provide a separation between the maternity beds and maternity facilities and the nonmaternity rooms. The doors shall be kept closed except when in active use as a passageway.

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Section 250.1830(d) (continued)

- 3) Isolation facilities. Facilities shall be available for the immediate isolation of all patients in whom an infectious condition is thought to exist or other conditions inimical to the safety of other maternity and neonatal patients.
- 4) Labor beds. It is preferred that labor rooms be private or two-bed rooms. Labor rooms shall be conveniently located with reference to the delivery rooms and shall have facilities for examination and preparation of patients.
- 5) Delivery Room
 - A) Delivery room shall be equipped and staffed to provide emergency resuscitation for infants. Equipment should include an infant size positive pressure bag with capability of 100% O₂ delivery. Bag and mask with attachment for oxygen, laryngoscope with zero and one sized blades, endotracheal tubes sizes 10, 12, 14 French or equivalent, oral airways and an appropriate device to provide a source of continuous suction for aspiration of the pharynx and stomach. An umbilical vessel catheterization tray should be available. Only personnel qualified and trained to do so should use this equipment.
 - B) If only one delivery room is required, one labor room should be arranged as an emergency delivery room and should have a minimum clear floor area of 180 square feet.
 - 6) Recovery room. A recovery room is recommended. The patient shall be kept under close observation until her condition is stabilized following delivery. Observations at established time intervals shall be recorded as a part of the patient's chart. A recovery area shall be provided. Emergency equipment and supplies must be available for use in the recovery area. Continuing education for personnel providing recovery room care should be provided. Refer to Section 250.1410(g).
- e) Accommodations and facilities for infants
 - 1) Primary Care Nurseries
 - A) A clean nursery or nurseries shall be provided, preferably near the mothers' rooms with adequate lighting and ventilation. There shall be a minimum of thirty square feet of floor area for each bassinets and three feet between

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bassinets. Equipment must be provided to prevent direct draft on the infants. Because one nursing staff person is required for every six to eight normal infants, individual nursery rooms should have a capacity of six to eight or 12 to 16. The normal newborn infant care area in a smaller hospital should limit room size to eight, so that two or more rooms are available to permit cohorting in presence of infection.

- B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by 20% at least to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets are to be separated by a minimum of three feet measuring from the edge of one bassinet to the edge of the adjacent one.
- C) A glass observation window shall be provided through which babies may be viewed.
- D) Resuscitation equipment as described for the delivery suite and below, and personnel trained to use it shall be available in the nursery at all times.
- E) Each primary care nursery shall have immediately on hand equipment necessary to stabilize the sick infant prior to transfer. Such equipment shall consist of:
 - i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source).
 - ii) Ability to monitor blood sugar frequently. (Dextrostix)
 - iii) Resuscitation tray. Laryngoscope, 0 and 1 size blades, endotracheal tubes of various neonatal sizes, infant size positive pressure bag and appropriate sized masks, gavage tubes, and an umbilical vessel catheterization tray.
 - iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (FIO₂). The

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oxygen analyzer shall be calibrated and serviced at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.

- F) Each primary care nursery shall have a clearly designated Level II and/or Level III & nursery to which it refers patients and from which it seeks consultation and advice. The telephone number of the Level III and/or Level II nursery, and the name of the nursery director shall be posted in the nursery. A log of communication between the general nursery and the referral nursery shall be maintained by the head nurse of the general nursery.
- G)
 - i) Protocols for management of certain disease states, and for consultation and referral shall be developed by the nursery director in conjunction with the director of the Level III or Level II unit to which referrals are sent.
 - ii) These protocols shall spell out details for local management of disease states, and specific transfer criteria. These protocols shall be maintained in the nursery.
- 2) Intermediate and Intensive Care Areas. All of the conditions described above shall be in place except that infant cribs shall be separated by four to six feet of space to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. There should be 80 to 100 square feet of space for each infant cared for in the Level III or Intensive Care area.
- 3) Isolation facilities
 - A) Facilities shall be available for the immediate isolation of all newborn infants who have, or are suspected of having an infectious disease.
 - B) When an infectious condition is thought to exist the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of ACOG, AAP, and "Control of Communicable Diseases" (77 Ill. Adm. Code 690).

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f) Personnel for care of mothers and infants. The personnel requirements and recommendations set forth in Subpart D, apply to the operation of the maternity department as do the following:

- 1) Nursing Staff - General Requirements
 - A) Nursing supervision by a registered professional nurse shall be provided for the entire twenty-four hour period for each occupied unit of the maternity and neonatal services. This nurse shall have education and experience in maternity and/or neonatal nursing.
 - B) At least one maternity and/or neonatal nurse trained in maternity and nursery care shall be assigned to the care of mothers and infants at all times. When infants are present in the nursery at least one person trained to give care to the newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
 - C) A registered professional nurse must be in attendance at all deliveries, and must be available to monitor the mother's general condition and that of the fetus during labor and for at least two hours after delivery and longer if complications occur.
 - D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When necessary for the same nurse to care for both maternity and nonmaternity patients in the gynecologic unit, proper technique shall be stressed.
 - E) Nursing personnel are only permitted to be assigned to the maternity neonatal division for an entire shift.
 - F) Temporary relief from outside the maternity neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.
- 2) Nursing Staff - Level I or Primary Care for occupied units (in addition to General Care Requirements)
 - A) Labor and Delivery Unit Staffing should be planned to ensure that the total nursing personnel on each shift is

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equal to one half the average number of deliveries per 24 hours. At least half of the personnel on each shift should be R.N.'s and at no time should the nursing staff on any shift be less than two. The nursing staff of the labor, and post delivery recovery area should not have other responsibilities in the labor/delivery suite except for emergencies.

B) Postpartum and General Care Newborn Unit

- i) If these units are organized as separate nursing units, staffing should be based on a formula of one nursing personnel per 6-8 patients and should ensure one R.N. per unit per shift.
- ii) If the units are combined as a rooming-in or modified rooming-in unit, the nursing staff should be planned to provide one nursing personnel per four mother baby units and should never be staffed at less than two nursing personnel per shift. One should be a registered professional nurse. (R.N.)
- C) At least one member of the nursing staff on each shift, who is skilled in cardiopulmonary resuscitation of the newborn, must be immediately available to the delivery suite and newborn nursery area.
- D) Changes in medical staff regulations, where applicable, should be provided to permit the perinatal medicine service to fully utilize the services of specially trained paramedical and nursing personnel where these personnel are needed and/or desired.
- 3) Nursing Staff - Level II Intermediate Perinatal Care Requirements. (in addition to General Care Requirements)
 - A) Labor and Delivery. At least one registered professional nurse on each shift must be competent in the use of continuous electronic fetal monitoring techniques.
 - B) Intermediate Care Nursery
 - i) A staffing ratio of one licensed nursing personnel per three or four infants must be available.

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- ii) Nursing personnel may be shared with the general care nursery as needed.
- iii) There must never be less than two licensed nursing personnel available in the general and intermediate care nurseries, at least one of whom is a licensed registered professional nurse. (R.N.).

4) Nursing Staff - Level III Tertiary Perinatal Care. (in addition to Intermediate Care Requirements)

- A) Staffing patterns on each shift must be such that a 1:1 ratio between patients who require intensive care during labor and delivery and a registered professional nurse who is competent, by virtue of training and/or experience, in the care of high risk obstetric patients can be maintained as necessary. A ratio of at least one registered professional nurse to 1 1/2 patients shall be maintained at all times.
- B) Neonatal intensive care nursing on a 1:1 basis must be available as indicated. A ratio of at least one registered professional nurse to 1 1/2 patients shall be maintained at all times.

5) Medical Personnel

A) Level I or Primary Care:

- i) One physician should be Chief of Neonatal Care. He or she should be a board certified pediatrician. Where this is not possible, a physician with experience and regular practice may be the Chief and responsible for neonatal care, and a source of pediatric and/or neonatology consultation should be documented.

- ii) The director of obstetrical service should be a board certified obstetrician. Where this is not possible, a physician with experience and regular practice may be Chief and responsible for obstetric care, and a source of obstetric consultation should be documented.

B) Level II or Intermediate Care:

- i) A board certified pediatrician with special interest

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and training in neonatal/perinatal medicine, or a certified neonatologist should be Chief of Neonatal Care. A board certified obstetrician should be Chief of Obstetrical Care. Obstetrical anesthesia should be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff should also include a pathologist and an "on call" radiologist 24 hours a day. Specialized medical and surgical consultation should be readily available.

- ii) Other staff: Laboratory and X-ray technicians in the hospital should be readily available at all times. In addition, a respiratory therapist may be part of the staff.

C) Level III or Intensive Care:

- i) The Chief of Neonatal Pediatrics should be eligible for certification by the American Board of Pediatrics' subspecialty board of neonatal/perinatal medicine, and is responsible for care in intensive care areas. Only physicians eligible for certification in neonatal/perinatal medicine should be responsible for care of infants in the Intensive Care area, but other physicians should be encouraged to participate. The Chief should be full-time with the hospital service. There should be sufficient number of qualified or certified neonatologists to assure availability of such care at all times. The chief of obstetric/perinatal service at the Level III facility should be a board certified obstetrician and preferably certified in fetal/maternal medicine.
- ii) Pediatric medical and surgical subspecialists must be available for consultation. An anesthesiologist with special training in maternal fetal and neonatal anesthesia must be in charge of anesthesia services. A pathologist and radiologist with experience in interpretation of radiographs of neonatal patients should be members of the hospital staff.

6) Nutritionist Staff

- A) For Level II units a registered dietitian with professional

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experience and/or course work which relates to perinatal maternal and newborn dietary management should be available.

- B) For Level III units a registered dietitian with professional experience and/or course work which relates to perinatal maternal and newborn dietary management shall be available.

g) Practices and procedures for care of mothers and infants

- 1) The hospital shall effect all necessary precautionary measures against the admission to the maternity department of actual or suspected infectious patients.
- 2) Patients with clean obstetric complications (regardless of month of gestation) such as toxemia of pregnancy or observation and treatment, placenta praevia for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the maternity department and be under the same rules and regulations as any other maternity case. Refer to Section 250.1820(h)(6)(B).
- 3) The physician shall determine whether a prenatal serological test for syphilis has been done on each mother and the results recorded. If no such test has been done before the admission of the patients, the test shall be performed as soon as possible. Specimens may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge.
- 4) No maternity patient under the effect of an analgesic or an anesthetic, in active labor or delivery, shall be left unattended at any time.
- 5) Fetal maturity should be established and documented prior to elective inductions and Cesarean sections. There shall be a written policy and procedure established by the hospital concerning the administration of oxytocic drugs.
 - A) Oxytocin should be used for the challenge test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures should be available to the team members assuming this responsibility. It is recommended that Oxytocin should be administered by controlled infusion.

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- B) Oxytocin should be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures should be available to the team members assuming this responsibility. It is recommended that the following be included in these policies:
- i) The attending physician should evaluate the patient for induction or stimulation, especially with regard to indications.
 - ii) The physician or other individuals starting the Oxytocin should be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
 - iii) A qualified physician should be immediately available as is necessary to manage any complication effectively.
 - iv) The intravenous route is the only acceptable mode of administration. It is recommended that an infusion pump, or other device for accurate control of the rate of flow, and a two-bottle system, one of which contains no Oxytocin substance be used.
 - v) During Oxytocin administration, the following should be recorded at least every 15 minutes: fetal heart rate, frequency and character of contractions, rate of Oxytocin flow, and blood pressure. Continuous fetal monitoring is preferred.
- 6) Identification of infants. The hospital shall use standards that are consistent with, but not limited to, procedures for the identification of newborn infants as recommended by the American Academy of Pediatrics which are as follows (Guidelines for Perinatal Care; American Academy of Pediatrics/American College of Obstetricians and Gynecologists; 1983; pg. 78):
- A) "NEONATE IDENTIFICATION. While the newborn is still in the delivery room, two identical bands indicating the mother's admission number, the neonate's sex, and the date and time of birth should be placed on the wrist or ankle. The nurse in charge of the delivery room is responsible for preparing and securely fastening these identification bands to the

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neonate. The birth records and identification bands should be checked by both the nurse and the responsible physician before the neonate leaves the resuscitation area of the delivery room. When the neonate is admitted to the nursery, both the delivery room nurse and the admitting nurse should check the identification bands and birth records, verify the sex of the neonate, and sign the neonate's record. The admitting nurse should fill out the bassinets card and attach it to the bassinet. Later, when the neonate is shown to the mother, she should be asked to verify the information on the identification bands and the sex of the neonate. It is imperative that delivery room and nursery personnel be meticulous in the preparation and placement of neonate identification bands."

- B) "Footprinting and fingerprinting have in the past been recommended for purposes of neonate identification. Techniques such as sophisticated blood typing are now available and appear to be more reliable. If utilized, dermatoglyphics should be done carefully. Individual hospitals may want to continue with footprinting and fingerprinting, but universal use of this practice is no longer recommended."
- 7) Prevention of ophthalmia neonatorum. Within one hour after delivery, a one percent silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. Do not irrigate immediately. This solution may be obtained free of charge from the Department's Division of Disease Control.
- 8) Cribside care. Each infant shall be given complete individual cribside care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.
- 9) Artificial feeding. Artificial feedings and formula changes shall not be instituted except by written order of the attending physician.
- 10) Facilities for drug services. Refer to Section 250.2130(a).
- 11) Transport of infants. Newborn infants shall be transported from the delivery room to the nursery safely. Transport should be in a heated incubator. Adequate support systems (heating, oxygen,

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- suction) should be incorporated into the transport units for these infants (e.g. to x-ray). Chilling of the newborn and cross-infection must be avoided. Where travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.
- 12) Stay of baby. It is preferable that neonates be observed for 40 to 72 hours prior to discharge. Normal healthy infants should be discharged from the hospital simultaneously with the mother or to other authorized (by the mother) personnel should the mother remain in the hospital for an extended stay.
- 13) When patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery which is nearest the home and at which an appropriate level of care may be provided.
- 14) Ritual circumcision. Circumcisions by a Mohel shall be performed under aseptic conditions. Such circumcisions shall not be performed in the delivery room. A registered nurse or physician shall be in attendance and attendance by visitors shall be limited.
- 15) A single parenteral dose of Vitamin K-1, water soluble 0.5 mgm, should be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder of the first days of life.
- 16) Circumcisions shall not be done under any circumstances in the delivery room or within the first six hours after birth and shall be delayed ordinarily until the age of 12 hours providing the infant is in stable condition. Circumcisions may be ordered and performed by a physician (licensed to practice medicine in all of its branches) between the ages of 6 hours and 12 hours only when in his/her professional judgment the facts do not require a delay to a later point in time.
- 17) It is recommended that hospitals adhere to the practices prescribed in the current edition of the American Academy of Pediatrics publication entitled, "Standards and Recommendations for Hospital Care of Newborn Infants," and the American College of Obstetricians and Gynecologists publication, "Standards for Obstetrics Gynecologic Hospital Standards."

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Section 250.1830 (continued)

Section 250.1830(h)(2) (continued)

h) Medical Records

1) Obstetric records.

- A) For each patient there shall be adequate, accurate, and complete medical records. The medical records shall include findings during the prenatal period which should be available in the maternity department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.
- B) Minimum observations and laboratory tests outlined in the most current edition of the "Manual of Standards," American College of Obstetricians and Gynecologists, will be met. The physician director of the maternity department shall require all physicians delivering obstetrics care to send copies of the prenatal records to the obstetrical unit at or before 37 weeks gestation.

2) Infant records. For each infant there shall be accurate, and complete medical records. The medical records shall include:

- A) History of maternal health and prenatal course.
- B) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.
- C) Time of birth and condition of infant at birth, including Apgar score at one and five minutes; age respiration became spontaneous and sustained, description of resuscitation if required, description of abnormalities and problems occurring from birth until transfer from the delivery room.
- D) Report of a complete and detailed physical examination within 24 hours following birth; report of a medical examination within 24 hours of discharge and one at least every three days during the hospital stay.
- E) Physical measurements including length, weight and head circumference at birth and weight every day; temperature twice daily, charted.

F) Documentation of infant feeding: intake, content, and amount if by formula.

- G) Clinical course during hospital stay including treatment rendered and patient response; clinical note of status at discharge. Reference: "Standards and Recommendations for Hospital Care of Newborn Infants," American Academy of Pediatrics and the American College of Obstetricians and Gynecologists publication, "Standards for Obstetrics-Gynecologic Hospital Standards."

3) Register of births. The hospital shall keep a record of births which contains data sufficient to duplicate the birth certificate. The requirement may be met

- A) by retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or
- B) by retaining this copy with the individual medical record.

1) Reports

1) Perinatal Activities Report

Each hospital that provides maternity service shall submit a monthly perinatal activities report on forms provided for this purpose by the Department. This report shall be signed by the administrator and the obstetric nursing supervisor and shall be mailed not later than the fifth of the following month. Refer to Section 250.1830(1).

2) Maternal Death Report

- A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department. A death shall be reported when it involves any condition associated with gestation, such as normal pregnancy, abortion, or ectopic pregnancy, regardless of whether the death occurred in the maternity division or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere. This report shall also be made on the death of any woman within ninety days following the termination of a pregnancy.

- B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the

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death on the Maternity Activities Report.

- 3) Birth, Stillbirth, and Death Certificates. The hospital shall comply with the laws of the State and the regulations of the Department as regards the preparation and filing of birth, stillbirth, and death certificates.

4) Epidemic and Communicable Disease Reporting

A) Diarrhea of the newborn

- i) Diarrhea of the newborn is defined as, "The occurrence in any infant of four or more loose or watery or otherwise pathological stools in twenty-four hours, with or without weight loss, anorexia and listlessness."

- ii) The occurrence of two or more cases of diarrhea, as defined above, constitutes an epidemic. The administrator of the hospital must report at once to both the local health authority and to the Illinois Department of Public Health by telephone or telegram.

- iii) The regulations for the control of cases and contacts are stated in the Department's rules entitled ~~publication~~ "the Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and are by reference made a part of these regulations.

- B) Other epidemic infections
The occurrence of a diagnosed case of Impetigo contagiosa shall be reported to the local health officer. The occurrence of two or more cases of impetigo contagiosa or other skin infection shall be reported in the same manner as for diarrhea. The occurrence of two or more epidemiologically related infections of staphylococcus aureus, hemolytic streptococcus and salmonella shall be reported to the Illinois Department of Public Health.

- C) Ophthalmia Neonatorum or Syphilis
The occurrence of these diseases in the newborn infant shall be reported as required by the Department's rules entitled "Rules and Regulations for the Control of Communicable Diseases Code" (77 Ill. Adm. Code 690).

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- D) The hospital shall develop a protocol for management of infections described above and others such as herpes, hepatitis, and rubella, to protect the mother and infant. The procedures must be consistent with the Department's rules entitled "Rules and Regulations for the Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and with policies and procedures described by the Academy of Pediatrics in "Standards and Recommendations for Care of the Newborn in Hospitals" and "Report of the Committee on Infectious Diseases" and with USPHS "Isolation Techniques for use in Hospitals." These policies shall be known to maternity and nursery personnel.

j) Formula

- 1) If pasteurized, commercially prepared formula is used exclusively and no formula is prepared by the hospital, a formula room and formula room equipment are not required; however, adequate space, equipment and procedures acceptable to the Department for processing, handling and storing of commercially prepared formula shall be provided. Procedures and aseptic techniques shall be established and enforced. Provisions must be made for the preparation of special formula.
- 2) All hospitals providing maternity or pediatric services, which prepare their own formula shall provide a well ventilated and well lighted formula room which shall be adequately supervised and used exclusively for the preparation of formulas.

- 3) Equipment shall include handwashing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double section sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a twenty-four hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.

k) Visiting regulations

- 1) The visiting regulations set forth in Subpart B shall apply to maternity departments, except as modified in this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 2.0.1830(k) (continued)

- 2) It is recommended that visitors be limited to two per patient at any one time.
- 3) Contact with the infant shall be restricted to the father, or one other adult selected by the mother, except as provided in subsection (k)(4) of this Section or as part of a rooming-in program as provided in Section 250.1850.

~~Visitors except the father, shall not have contact with infants at any time. (See Section 250.1850, this Part, for regulations governing visitors in rooming-in units.)~~

- 4) Siblings and grandparents may have contact with the infant only if the hospital has established specific policies and procedures for such a program and the program has been approved by the Department as part of the hospital's Maternity and Neonatal Service Plan. The program must include:

- A) Approval of the program by the hospital's Infection Control Committee and Governing Board;
- B) A requirement for written consent of the mother for visitation by specific siblings or grandparents;
- C) A procedure for handwashing of visitors prior to having contact with the infant; and
- D) A policy on the location where visitation will occur.

5) ~~4)~~ The presence of the father or individual selected by the mother in the delivery room shall be discretionary with the individual hospital and as approved by the Illinois Department of Public Health. If the father of the baby is to be admitted to the delivery room of any hospital, the hospital shall first have adopted a policy statement on the matter which, among other things, establishes the following conditions:

- A) written consent of both the mother and the attending physician;
- B) prior orientation preparation of the father of the baby and mother to this experience; and
- C) application of safeguards against the introduction of infection or other hazard by the father of the baby.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 250.1830(k)(5) (continued)

- D) Exception to these regulations is possible if permission has been granted by the Illinois Department of Public Health for experimental programs.

6) ~~5)~~ Smoking shall be prohibited in the delivery rooms, nurseries, and corridors. (Refer to Section 250.250(g).)

7) ~~6)~~ Visiting hours shall not correspond with periods during which infants are with the mothers, nor with periods during which mothers are receiving nursing care, or interfere with the care of patients.

8) ~~7)~~ Visitors shall neither sit nor place their clothing upon the beds.

(Source: Amended at 13 Ill. Reg. 13232, effective September 1, 1989)

Section 250.1850 Rooming-In Care of Mother and Infant

- a) Rooming-in care of newborn infants is permissible under these regulations. The rooming-in plan may be either:

- 1) continuous - with the infant at the bedside constantly; or
 - 2) intermittent - in which the infant is removed from the mother's bedside to the nursery during visiting and night hours.
- Programs which permit the presence of the baby's father in the room with the infant, during feeding or otherwise, shall be considered as an intermittent rooming-in program.

- b) Whichever plan is used, the following requirements and recommendations apply.

1) Personnel

- A) There shall be sufficient personnel who understand and can carry out the procedures necessary for a successful rooming-in experience.
- B) It is recommended that all nursing care of the mother and infant unit be given by one nurse.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 250.1850(b) (continued)

- 2) Physical facilities
- A) The patient's room must be of sufficient size and arrangement for bedside care of mother and infant.
- B) The room must be equipped with handwashing lavatory, with a supply of soap and clean towels.
- 3) Equipment and supplies
- A) Mother and infant shall have individual equipment and supplies.
- B) Individual enclosed storage space shall be provided for the infant's clean linen, equipment, and supplies.
- C) Adequate covered containers shall be provided for the infant's soiled linen.
- 4) Policies and procedures for rooming-in
- A) A policy should be established by the medical staff and approved by the governing authority as to the condition of the mother and infant when rooming-in may be initiated.
- B) The procedures of individual care of mothers and of infants shall be established to prevent cross-infection, stressing conscientious handwashing by parents and personnel and careful handling of soiled linen.
- C) Adequate observation and nursing care must be assured.
- D) A planned parent education routine is desirable.
- E) Visiting shall ~~to~~ be restricted to the father of the infant ~~baby~~ or ~~if absent~~, one other adult ~~may be~~ selected by the mother. Grandparents and siblings may visit if the hospital has a program for such visitation which has been approved as provided in Section 250.1830(k)(4).
- F) Visitors must wash their hands ~~and put on clean gown~~.

(Source: Amended at 13 Ill. Reg. 13232, effective September 1, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 250.1860 Special Programs

- a) ~~Husband's/father's~~ Attendance at Caesarean Births (Limited waiver of Section 250.1305(a) ~~250.1310(b)~~.)
- 1) A hospital may permit the ~~husband/father~~ or a support person to be present at a ~~the wife's/mother's~~ delivery by Caesarean Birth if such a program is approved by the Department as part of the hospital's Maternity and Neonatal Service Plan. However, nothing in these rules shall be construed to require a hospital to permit the ~~husband/father~~ or a support person to attend ~~attended~~ Caesarean Births. These rules do not vest any right upon any layperson to attend a Caesarean Birth ~~and exclusion from Caesarean Birth is recognized to be the usual and expected occurrence~~. Presence at Caesarean Birth is a privilege which may be extended only when the best of conditions exist, in accordance with the medical judgment of the responsible physician, and proper education and counseling (a structured formal written orientation as to what is expected to transpire in the surgery ~~Caesarean section or birthing room~~) have taken place. At most the acceptance into the ~~husband/father~~ ~~attended Caesarean Birth~~ program shall be an intent to extend this privilege. The operating physician shall always have the right to exclude a ~~husband/father~~ or support person from a Caesarean Birth for any reason ~~he/she deems fit~~.
- 2) Each hospital desiring to implement a program to permit fathers and support persons to attend ~~husband/father attended~~ Caesarean Births ~~program~~ shall submit an application to the Department. The application shall include:
- A) a description of the plan to implement the program;
- B) documentation of administration and affected staff approval;
- C) policies and procedures applicable to this program, including:
- i) criteria for admission to the program;
- ii) consent forms;
- iii) education, counseling, and other preparation furnished the ~~wife/mother~~ and ~~husband/father~~ or support person;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 250.1860(a)(2)(C) (continued)

- iv) operating room procedures and assignments;
 - v) post-delivery evaluations.
- 3) Upon submission of the application, the application shall be reviewed by Department program personnel. Based upon the submitted plan, required to be compatible with the approved Maternity and Neonatal Service Plan, the Department shall issue an approval within 30 days of the submission of the application, or notify the hospital in writing of the specific reasons and concerns why the program is disapproved.
- 4) A record system (Refer to Section 250.1820(i)) shall be maintained that identifies all patients with the ~~husband~~ father or a support person present at Caesarean Births and includes provisions for reporting to the Department:
- A) the number of patients participating in the program;
 - B) the number of patients denied admission to the program and the reasons for denial;
 - C) all complications experienced.
- 5) For the purposes of this Section, a support person is the husband of the mother, the father of the infant, or any other person selected by the mother, who is acceptable to the physician and meets the requirements of the hospital's policies.

b) Birthing Room Programs

1) Establishment of Birthing Room Program

- A) A hospital may provide a Birthing Room program if such a program is approved by the Department as part of the hospital's Maternity and Neonatal Service Plan.
- B) Nothing in these rules shall be construed to require a hospital to provide Birthing Rooms. These rules do not vest any right upon any person to admittance to a Birthing Room. Admission to a Birthing Room is a privilege which may be extended only when the best of conditions exist, in accordance with the medical judgment of the responsible physician, and proper education and counseling (a structured formal written orientation as to what is

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 250.1860(b)(1)(B) (continued)

- expected to transpire in the ~~surgery (caesarean section) or birthing room~~ have taken place. The attending physician shall always have the right to exclude anyone from a Birthing Room for any reason ~~he/she deems fit~~.
- 2) Each hospital desiring to implement a Birthing Room program shall submit an application to the Department. The application shall include:
- A) a description of the plan to implement the program;
 - B) documentation of administration and affected staff approval;
 - C) policies and procedures applicable to this program, including:
 - i) criteria for admission to the program;
 - ii) consent forms;
 - iii) education, counseling, and other preparation furnished the ~~wife~~ mother, ~~husband~~ and any other persons ~~family members~~ (if any) who will be present in the Birthing Room;
 - iv) post-delivery evaluations.
- 3) Upon submission of the application, the application shall be reviewed by Department program personnel. Based upon the submitted plan, required to be compatible with the approved Maternity Neonatal Service Plan and appropriate physical location of the Birthing Room, the Department shall issue an approval within 30 days of the submission of the application, or notify the hospital in writing of the specific reasons and concerns why the program is disapproved.
- 4) A record system (Refer to Section 250.1820(i)) shall be maintained that identifies all patients using the Birthing Room and those in attendance. It shall include provisions for reporting to the Department:
- A) the number of patients participating in the program;
 - B) the number of patients denied admission to the program and the reasons for denial;

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 250.1860(b)(4) (continued)

C) all complications experienced.

(Source: Amended at 13 Ill. Reg. 13232, effective September 1, 1989)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

- 1) The Heading of the Part: Employees' General Rights And Duties
- 2) Code Citation: 56 Ill. Adm. Code 2815
- 3) Section Numbers: Emergency Action:
2815.105 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat., 1987, ch. 48, pars. 540, 610 and 611, as amended by P. A. 86-0003, effective July 1, 1989.
- 5) Effective Date of Amendments: July 27, 1989
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed in Agency's Principal Office: July 21, 1989
- 8) Reason for Emergency: The General Assembly amended the Unemployment Insurance Act, effective July 1, 1989. Therefore, the rule is no longer in conformity with the statute.
- 9) Complete Description of the Subjects and Issues Involved:
The enclosed Emergency Amendment to Part 2815 brings this rule into conformity with a recent amendment to the statute that eliminates the provision which limited the maximum amount of delinquent spouse or child support deductible from unemployment insurance benefits to the amount of spouse or dependents' allowance provided for in Section 401 of the Act.
- 10) Are there any proposed amendments to this Part pending? No.
- 11) Statement of Statewide Policy Objectives? Not Applicable.
- 12) Information and questions regarding this amendment shall be directed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEES

PART 2815

EMPLOYEES' GENERAL RIGHTS AND DUTIES

SUBPART B: DEDUCTION OR ASSIGNMENT OF BENEFITS

Section

- 2815.100 Benefit Rights Not Subject To Waiver, Transfer, Or Claims Of Creditors
2815.105 Deductions From Unemployment Benefits For Delinquent Spouse Or Child Support
2815.110 Deductions From Benefits To Be Paid To The Illinois Department Of Public Aid
2815.115 Illinois Department Of Public Aid Acting For The Director
2815.120 Order Of Deductions From Benefits
2815.125 Notice Of Deduction And Right Of Appeal
2815.130 Improper Deductions From Benefits

AUTHORITY: Implementing and authorized by Sections 1300, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 540, 610 and 611, as amended by P. A. 86-0003, effective July 1, 1989).

SOURCE: Adopted at 10 Ill. Reg. 5118, effective March 18, 1986; amended at 11 Ill. Reg. 7270, effective April 3, 1987; emergency amendments at 13 Ill. Reg. 13268, effective July 27, 1989, for a maximum of 150 days.

SUBPART B: DEDUCTION OR ASSIGNMENT OF BENEFITS

Section 2815.105 Deductions From Unemployment Benefits For Delinquent Spouse Or Child Support

- a) Whenever the Director is served by the Illinois Department of Public Aid with a copy of a court or administrative order for withholding of income on behalf of the persons specified in subsection (c), the Director shall deduct from an individual's benefits past due spouse or child support, or both, in designated sums not exceeding the dependent's allowances provided in Section 401 of the Act (Ill. Rev. Stat., 1985, ch. 48, par. 401, as amended by P. A. 84-1389, effective January 17, 1987) for

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

either spouse or children, as the case may be, whether or not claimed by the individual.

b)

Whenever an individual enters into an agreement for the deduction of a specified sum from his benefits under the Act in order to pay past due spouse or child support, or both, this agreement may be enforced by the Illinois Department of Public Aid by presenting to the Director the original of the agreement and requesting that the support payments sought to be satisfied be deducted out of the benefits payable to an individual required to provide support. The agreement must be signed by the individual and state clearly the amounts to be deducted from his benefits, in whose favor the support payments are payable, during which periods the deductions are to be made, and by what authority the individual is required to make support payments. If the Director is satisfied that the agreement meets the requirements herein provided, deductions shall be made in the amounts specified in the agreement.

c)

The Illinois Department of Public Aid may enforce and collect from the Director any assignment of benefits to, or agreement for deductions for the benefit of, the following persons:

- 1) Those receiving a grant of financial aid under Article IV of the Illinois Public Aid Code (Ill. Rev. Stat. 1985, ch. 23, par. 10-10.1 et seq.);
 - 2) Those whose application for support services under Section 10-1 of the Illinois Public Aid Code has been approved; and
 - 3) Those receiving public aid or support services from other states.
- d) In every case where there is a court-ordered assignment of wages for past due spouse or child support, this assignment of wages shall also be considered an order for withholding of income which can be enforced for collection under subsection (a).

(Source: Emergency Amendment at 13 Ill. Reg. 13268, effective July 27, 1989, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers:
500.101
Emergency Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, pars. 417-434a, and authorized by Section 39b2 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b2).

- 5) Effective Date of Amendment(s): August 7, 1989

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendments will extend to the full 150 days.

- 7) Date Filed in Agency's Principal Office: August 7, 1989

- 8) Reason for Emergency: Public Act 86-16 increases the Motor Fuel Tax rate and also imposes an additional 5-cent per gallon tax on inventories owned or possessed on August 1, 1989, and on January 1, 1990. Public Act 86-16 provides that this additional tax on inventory shall be paid "...in a manner prescribed by the Department of Revenue."

Returns for and payment of the additional tax imposed on inventories owned or possessed on August 1, 1989, are due on August 20, 1989. The emergency rule is necessary to notify taxpayers of the August 20, 1989, due date.

- 9) A Complete Description of the Subjects and Issues Involved: This rule sets out the increases in the Motor Fuel Tax which will take place on August 1, 1989, and on January 1, 1990. This rule also sets out the additional tax on inventory owned or possessed on August 1, 1989, and January 1, 1990, and establishes the dates on which returns for and payment of that additional tax are due.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: Not applicable; this rulemaking has no effect on local governmental units.

- 12) Information and questions regarding this rule shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 500

MOTOR FUEL TAX REGULATIONS

- Section
500.101 Basis and Rate of Motor Fuel Tax
EMERGENCY
- 500.105 Monthly Returns
- 500.110 Report of Loss of Motor Fuel
- 500.115 Daily Gallonage Record
- 500.120 Licenses Are Not Transferable
- 500.125 Changes of Corporate Officers
- 500.130 Blenders' Permits Are Not Transferable
- 500.135 Vehicles of Distributors Transporting Petroleum Products
- 500.140 Other Vehicles
- 500.145 Cost of Collection - Determination
- 500.150 Cost of Collection - Books and Records
- 500.155 Motor Fuel Consumed by Distributors and Special Fuel Consumed by Suppliers
- 500.160 Claims for Refund - Original Invoices
- 500.165 Definition of Loss
- 500.170 Sales of Special Fuel - Variation in Usage
- 500.175 Special Motor Fuel Permits and Decals
- 500.180 Estimated Claims Not Acceptable
- 500.185 Claimants Owning Motor Vehicles
- 500.190 Detailed Answers
- 500.195 Revocation of License, etc. - Notice - Hearing
- 500.200 Distributors' and Suppliers' Claims for Credit
- 500.205 Procedure when Tax-Paid Motor Fuel is Returned to Licensee for Credit
- 500.210 Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
- 500.215 Sales of Motor Fuel to Certain Privately Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
- 500.220 Motor Carrier's Quarterly Report
- 500.225 When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required.
- 500.230 Timely Mailing Treated as Timely Filing and Paying--Meaning of Due Date Which Falls on Saturday, Sunday or a Holiday
- 500.235 Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law (Ill. Rev. Stat. 1987, ch. 120, par. 417-434.a) and authorized by Section 39b2 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b2).

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25,

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 500.101 Basis and Rate of the Motor Fuel Tax
EMERGENCY

a) THE MOTOR FUEL TAX IS IMPOSED "ON THE PRIVILEGE OF OPERATING MOTOR VEHICLES UPON THE PUBLIC HIGHWAYS, INCLUDING TOLL ROADS, AND RECREATIONAL-TYPE WATERCRAFT UPON THE WATERS OF THIS STATE".

1) MOTOR FUEL USED IN SUCH MOTOR VEHICLES UPON PUBLIC HIGHWAYS AND IN SUCH RECREATIONAL WATERCRAFT ON SUCH WATERS IS TAXED ACCORDING TO THE FOLLOWING RATE SCHEDULE:

TAX PERIOD	RATE
UNTIL AUGUST 1, 1983	7 1/2¢ PER GALLON
FROM AUGUST 1, 1983 THROUGH JUNE 30, 1984	11¢ PER GALLON
FROM JULY 1, 1984 THROUGH JUNE 30, 1985	12¢ PER GALLON
FROM JULY 1, 1985 AND THEREAFTER THROUGH JULY 31, 1989	13¢ PER GALLON
FROM AUGUST 1, 1989 THROUGH DECEMBER 31, 1989	16¢ PER GALLON
FROM JANUARY 1, 1990, AND THEREAFTER	19¢ PER GALLON

2) DIESEL FUEL USED IN SUCH MOTOR VEHICLES UPON PUBLIC HIGHWAYS AND IN SUCH RECREATIONAL WATERCRAFT ON SUCH WATERS IS TAXED ACCORDING TO THE FOLLOWING RATE SCHEDULE:

TAX PERIOD	RATE
UNTIL AUGUST 1, 1983	7 1/2¢ PER GALLON
FROM AUGUST 1, 1983 THROUGH JUNE 30, 1984	13 1/2¢ PER GALLON
FROM JULY 1, 1984 THROUGH JUNE 30, 1985	14 1/2¢ PER GALLON
FROM JULY 1, 1985 AND THEREAFTER THROUGH JULY 31, 1989	15 1/2¢ PER GALLON

- FROM AUGUST 1, 1989 THROUGH DECEMBER 31, 1989 18 1/2¢ PER GALLON
- FROM JANUARY 1, 1990 AND THEREAFTER 21 1/2¢ PER GALLON
- b) In addition, A TAX IS IMPOSED UPON THE PRIVILEGE OF ENGAGING IN THE BUSINESS OF SELLING MOTOR FUEL AS A RETAILER OR RESELLER ON ALL MOTOR FUEL USED IN MOTOR VEHICLES OPERATING ON THE PUBLIC HIGHWAYS AND RECREATIONAL TYPE WATERCRAFT OPERATING UPON THE WATERS OF THIS STATE:
- 1) AT THE RATE OF 3 CENTS PER GALLON ON MOTOR FUEL OWNED OR POSSESSED BY SUCH RETAILER OR RESELLER AT 12:01 A.M. ON AUGUST 1, 1989; AND
- 2) AT THE RATE OF 3 CENTS PER GALLON ON MOTOR FUEL OWNED OR POSSESSED BY SUCH RETAILER OR RESELLER AT 12:01 A.M. ON JANUARY 1, 1990.
- 3) Every retailer and reseller subject to this additional tax shall inventory the motor fuel which he/she/it owns or possesses at 12:01 A.M. on August 1, 1989. Based on that inventory, every retailer and reseller subject to this additional tax shall file a return on a form prescribed by the Department on or before August 20, 1989 and pay the tax due.
- 4) Every retailer and reseller subject to this additional tax shall inventory the motor fuel which he/she/it owns or possesses at 12:01 A.M. on January 1, 1990. Based on that inventory, every retailer and reseller subject to this additional tax shall file a return on a form prescribed by the Department on or before January 20, 1990 and pay the tax due.
- c) THE SPECIAL FUEL USE TAX IS IMPOSED "UPON THE USE OF SPECIAL FUEL UPON HIGHWAYS (INCLUDING TOLL WAYS OF THIS STATE) BY COMMERCIAL MOTOR VEHICLES". THE TAX ON SUCH SPECIAL FUEL SHALL BE COMPRISED OF TWO PARTS:
- 1) A TAX AT THE RATE ESTABLISHED IN SUBSECTIONS (a)(1) AND (a)(2) ABOVE; AND
- 2) A RATE "ESTABLISHED BY THE DEPARTMENT". (Ill. Rev. Stat. 1987, ch. 120, pars. 418 and 429a).
- (Source: Emergency amendment at 13 Ill. Reg. 13271, effective August 7, for a maximum of 150 days)
- 1) Heading of the Part: Medical, Psychological, and Related Services
- 2) Code Citation: 89 Ill. Adm. Code 587
- 3) Section Numbers:
- | | |
|---------|-----------|
| 587.50 | amendment |
| 587.100 | repealed |
| 587.600 | amendment |
- 4) Date Notice of Proposed Amendments in the Illinois Register: July 7, 1989, 13 Ill. Reg. 10765
- 5) Reason for the Withdrawal: A recent issue has developed which requires additional activity on this Part. Therefore we are withdrawing this proposed rulemaking so that we may include additional amendments to our proposal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of Part: Licensing Standards for Group Day Care Homes

Code Citation: 89 Ill. Adm. Code 408

Section Numbers: 408.1 408.5 408.10
 408.15 408.20 408.25
 408.30 408.35 408.40
 408.45 408.50 408.55
 408.60 408.70 408.75
 408.80 408.85 408.90
 408.95 408.100 408.105
 408.115 408.120 408.125
 408.130 408.135 408. Appendix A
 408. Appendix B 408. Appendix C
 408. Appendix D

Date Originally Published in Illinois Register:

September 2, 1988
12 Ill. Reg. 13757

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to the proposed rules of the Department of Children and Family Services entitled "Licensing Standards for Group Day Care Homes;" 89 Ill. Adm. Code 408, with the exception of Sections 408.65(d) and 408.110, because the rules violate the legislative intent of Section 2.20 of the Child Care Act of 1969 by being overly stringent in setting forth a detailed regulatory scheme for a new class of day care providers, when the statute was only enacted to increase a day care provider's maximum allowable number of children to enable the provider to provide before and after school care for school-aged children.

The Department of Children and Family Services has proposed new rules to establish Licensing Standards for Group Day Care Homes pursuant to Section 2.20 of the Child Care Act of 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 2212.20). This type of child care facility provides care for more than 3 children and up to 12 children in a family home for less than 12 hours per day. These rules are an expanded, more rigorous version of similar rules at 89 Ill. Adm. Code 406, "Licensing Standards for Day Care Homes (3 up to 8 children)". The rules establish standards for the

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
(Continued Page 2)

home, the physical facility, the caregiver and staff, background checks, admission and discharge procedure, number of children served, minimum requirements for health, discipline, nutrition, programs, transportation, recreation, special needs, infant and toddler needs, school age children needs, night care, records and reports, confidentiality, cooperation with the Department, severability of this Part, and Appendices detailing meal charts and equipment and supply minimum requirements.

Public Act 85-208, effective January 1, 1988, was sponsored in the Senate by Senator Harry "Babe" Woodyard and was co-sponsored in the House by Representatives Tom Ryder and William Black. "Public Act 85-208 amended the Child Care Act of 1969 (Act) to state: "Group day care home" means a family home which receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children under the age of 12." The Department was asked to explain why it proposed these rules which establish an entirely new class of day care home providers with accompanying stringent standards when the amendment to the Act was enacted to increase the number of school-aged children for whom day care providers could provide before and after school care.

The Department responded that it used the opportunity of a new definition, the group day care home, to create a new Part with a separate set of rules which establish more stringent standards than are required of day care home providers. The Department's rationale for upgrading such day care home requirements was stated to be based upon its belief that additional numbers of children (up to 12) require a greater level of staff maturity and education, greater procedural organization, larger indoor and outdoor spaces, greater hygienic and nutritional standards, provisions for school age children, report and record maintenance, and provisions for \$100,000 liability insurance per occurrence. In the view of the Department, such standards were not seen to be an expansion of the original legislative intent of Public Act 85-208, as such intent was stated to be ambiguous. These rules were seen by the Department as a logical extension of the Public Act's creation of a new class of day care providers. The standards established for group day care homes anticipate not only the presence of school-age children before and after school, but also the more lucrative all day infant care.

The Department has indicated that its interpretation of Section 2.20 is not inconsistent with general principles of statutory construction. The Department argued that when legislative intent is ambiguous, the statute's plain language controls. It is apparently the Department's

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF CHILDREN AND FAMILY SERVICES
(Continued Page 3)

position that the plain language of Section 2.20 requires the creation of a new class of day care providers. The Department however, is not always so reluctant to go beyond the plain language of the law in attempting to justify one of its regulations. In a previous rulemaking, "Reports of Child Abuse and Neglect," 89 Ill. Adm. Code 300, considered by the Joint Committee at its December 1988 meeting, the Department argued that the statute in that instance, even though clear, on its face should be given a different meaning because of what the Department perceived was a contrary legislative intent. In both rulemakings, the Department has provided its own interpretation of the controlling factor, intent of statute, dependent upon the outcome it is trying to effect. The Joint Committee did not accept the Department's arguments in the earlier rulemaking and objected; in this instance the Department's argument is just as wrong.

On May 2, 1987, Senator Woodyard, the bill's sponsor, stated that an amendment to the Bill "addresse[d] a concern of the [Department] of Child and Family Services and was recommended by them to limit the number of children in a day care center to a maximum of twelve including natural children." On May 18, 1987, Senator Woodyard, speaking in support of the bill, stated that the legislation was "a response to some of the problems that have evolved because of the day care centers, particularly in rural areas. The Department of Children and Family Services who drafted the amendment...define[s] a group day care home as a home that receives more than three up to twelve children, including the family's natural or adopted children under the age of twelve. This seem[s] to somewhat alleviate the problems that we find in the rural areas, particularly in small communities, in which there may be only one day care home in that entire town." On June 17, 1987, Representative Black, a co-sponsor of the bill in the House stated that "It simply addresses a problem that we have in downstate Illinois. The Department of Children and Family Services is not opposed to the bill, as they will promulgate all rules and regulations that will say what we are attempting to do here." Representative Anthony Young expressed concern over the increased number of children in the day care home from eight to twelve without specifying a staff-to-child ratio in the statute. Representative Black indicated that "we purposely have left that language rather vague in working with the Department of Children and Family Services. They will promulgate all the rules and regulations. Until they are satisfied with the rules and regulations, obviously, this Bill is not going to be in effect. And I have a great deal of confidence that they will work those rules out to your satisfaction and my satisfaction." Representative Tom Ryder, a co-sponsor of the Bill, stated: "This Bill provides an opportunity to take care of latch key

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children. It provides an opportunity to allow those who wish to stay home with their children to earn extra funds and extra money. We are allowing the Department of Children and Family Services to do the same in this situation as they do under current law, which is to provide the rules and regulations concerning staffing ratios. This simply expands opportunities for mothers, if they wish to stay home with their children, to take in other children for the working parents who are not so fortunate as to do that. This Bill is well conceived and in many downstate communities like my own, this Bill is absolutely vital in order to take care of the children that otherwise would be unsupervised in the communities."

The Department held public hearings on this rulemaking and also received extensive written comment. The Joint Committee itself received extensive comments from day care home providers which vigorously protested these standards. The most commonly protested requirements concerned the allowable staff-to-child ratio, the specificity of physical facility minimums, public liability insurance, educational requirements, the imposition of such stringent requirements being inconsistent with the addition of four more children, and finally how the Department counts children unequally treats foster care parents who are also day care home providers.

The Department's argument for proposing more stringent rules concerning issues of education, maturity, organization, facility equipment needs, program planning, records and reports management, and liability insurance minimum are not borne out by these debates. The legislative intent in Section 2.20 of the Act is not ambiguous. The legislative unclear. Rules of statutory construction require the intention of the legislature to be given effect. It is generally recognized that statutory language is the best indicator of intent, and where that language is unambiguous, it must be given effect and enforced by the courts as enacted. *People v. Crete*, 88 Ill. Dec. 855, 478 N.E.2d 846, 852 (Ill. App. 2 Dist. 1985). But the intent of the legislature is not unclear, as the debates clearly demonstrate. Yet in *Reynolds Metals v. Illinois Pollution Control*, App., 63 Ill. Dec. 900, 438 N.E.2d 1263, (1982), the court stated "It is generally unnecessary to look beyond the language of the statute. Yet, where, as here, different interpretations are urged, the court must look to the reasons for enactment of the statute and the purposes to be gained thereby and construe the statute in a manner which is consistent with that purpose." The sponsors left the Department to develop rules and regulations concerning the staff to child ratios, not to create of a new class of day care home providers who must meet stringent licensing standards. The legislative intent concerned

increased license capacity for day care home providers to enable before and after school care for school aged children, the subject of Sections 408.65(d) and 408.110 of the proposed rules. The effect of these proposed licensing standards not only violates the legislative intent of Section 2.20 of the Act, but results in discouraging rather than encouraging day care providers to seek such licensure as group day care home providers.

Therefore, the Joint Committee objects to the proposed rules of the Department of Children and Family Services entitled "Licensing Standards for Group Day Care Homes;" 89 Ill. Adm. Code 408, with the exception of Sections 408.65(d) and 408.110, because the rules violate the legislative intent of Section 2.20 of the Child Care Act of 1969 by being overly stringent in setting forth a detailed regulatory scheme for a new class of day care providers when the statute was only enacted to increase a day care provider's, maximum allowable number of children to enable the provider to provide before and after school care for school-aged children.

88613757

Heading of Part: Training Services for the Disadvantaged

Code Citation: 56 Ill. Adm. Code 2610

Section Numbers: 2610.100

Date Originally Published in Illinois Register: April 7, 1989

13 Ill. Reg. 4366

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 2610.100 of the Department of Commerce and Community Affairs rules entitled "Training Services for the Disadvantaged" (56 Ill. Adm. Code 2610), because, contrary to Section 4.02 of the Illinois Administrative Procedure Act, the rules fail to provide clear and precise performance standards used to evaluate adult and youth training programs under Title II A and the dislocated worker programs under Title III pursuant to Section 106 of the Job Training Partnership Act (JPTA) (P.L. 97-300, effective October 13, 1982, as hereafter amended).

In addition, the Joint Committee suggests to the Department of Commerce and Community Affairs that the Department respond to the Joint Committee objection to Section 2610.100 by initiating a rulemaking which incorporates by reference the following document "Guide For Setting JTPA Title II-A and Title III (EDWAA) Performance Standards For PY89, March 1989," Office of Strategic Planning and Policy Development of Employment and Training Administration, United States Department of Labor, pursuant to the requirements of Section 6.02(b) of the Illinois Administrative Procedure Act.

Section 2610.100 establishes standards used to evaluate adult and youth training programs under Title II A and dislocated worker programs under Title III of the JPTA. In the March 7, 1988 edition of the Federal Register (53 FR 7256), the United States Department of Labor (USDOL) issued directives on performance standard requirements. In that directive, Governors are required to select eight of the twelve USDOL performance standards measures to evaluate local program performance of

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Service Delivery Areas (SDA's). An SDA is an area comprised of one or more units of general local government designed by the Governor to promote effective delivery of job training services under JTPA in accordance with Section 101 of the Job Training Partnership Act (The Act) (Public Law 97-300 as amended). However, Governors are permitted within guidelines established by USDOL to adjust national standards in setting the performance expectations for the SDA's. In light of this, the State of Illinois has proposed twelve performance measures which are used to evaluate SDA programs that reflect a combination of measures using the USDOL, State of Illinois, and Region V models. Examples of three of the aforementioned measures are 1. Entered Employment Rate (AEER) - Number of adults who entered employment at termination as a percentage of the total number of adults who terminated (Illinois model). 2. Cost per Entered Employment (ACPEE) - Total Title 11-A expenditures for adults divided by the total number of adults who entered employment (Region V model). 3. Follow-up Employment Rate (AFER) - Total number of adult respondents who were employed (full-time or part-time) during the 13th full calendar week after termination, divided by the total number of adult respondents (i.e., trainees who completed follow-up interviews) (USDOL model).

Besides setting forth the 12 performance measures (USDOL, Illinois, and Region V models) Section 2610.100 contains policies which describe how performance standards are established which are used to evaluate the performance measures. These performance standards are based on statistical planning models which use multiple regression techniques to predict expected performance of SDA's for each measure of performance. The models adjust for local economic conditions and the characteristics of the participants served by the SDA. The Performance Standards System to evaluate SDA programs is used to determine if an SDA has met performance standards, failed to meet performance standards or has exceeded performance standards. If an SDA's program fails to meet certain performance standards, it can be sanctioned or penalized. If an SDA exceeds certain performance standards it is eligible to receive incentive funds.

The Department was asked several questions concerning the establishment of performance standards. These questions consisted of explaining what and how are state and national departure points established; how are performance ranges established and tolerance level adjustments made; what are trainee characteristics and how are models (USDOL, Illinois, Region V) established. The Department explained the above items with a worksheet which shows how each of them are derived. The worksheet can be found in a document entitled "Guide For Setting

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JTPA Title 11-A and Title III (EDWAA) Performance Standards for PY 89", March 1989, Office of Strategic Planning and Policy Development Employment and Training Administration, United States Department of Labor (The Guide). The Guide explains in great detail how performance standards are established and contains worksheets and mathematical calculations. The Guide contains guidelines used to establish a Performance Standards System. The Guide describes in detail the following: 1) Elements of a Performance Standards System 2) Relationships between National Standards and Model Departure Points 3) How a Model works 4) Departure Points used in PY 89 5) Steps for Varying the Performance Standards when using Models.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) states that:

Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected.

Section 6.02(b) of the Illinois Administrative Procedure Act provides that "an agency may incorporate by reference in its rules, guidelines or standards of an agency of the United States, without publishing the incorporated material in full, provided that the incorporated material is readily available to the public. The reference in the agency rules must fully identify the incorporated matter by location and date, and must state that the guideline or standard does not include any later amendments or editions."

The Department was asked if it would incorporate by reference the Guide pursuant to Section 6.02(b) of the Illinois Administrative Procedure Act. The Department said that the rules were clear as written, and it was unnecessary to include the guidelines regarding Performance Standards found in the Guide in the rules. The Department explained that the people using these rules will understand them because they have received training regarding this matter using this Guide. The Department further explained that the rules contain the main policies found in the Guide and prior to this rulemaking, the level of detail now found in the rules has been sufficient. However, the Department said it would do another rulemaking to incorporate by reference the Guide.

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The guidelines contained in the Guide articulate specifically the procedures, methods and calculations needed to establish performance standards used to evaluate adult and youth training programs under Title II A and the dislocated worker programs under Title III of the JPTA. Without the aforementioned guidelines, the rules are deficient. The affected public will not know what are the standards being used to evaluate an SDA's program performance. Because incentive funds are awarded to SDA's who exceed certain performance standards, it is incumbent that the methodology for establishing such standards are clear, precise and complete to avoid any doubt or confusion that an SDA has not qualified to receive incentive funds.

Therefore, the Joint Committee objects to Section 2610.100 of the Department of Commerce and Community Affairs rules entitled "Training Services for the Disadvantaged" (56 Ill. Adm. Code 2610), because, contrary to Section 4.02 of the Illinois Administrative Procedure Act, the rules fail to provide clear and precise performance standards used to evaluate adult and youth training programs under Title II A and the dislocated worker programs under Title III pursuant to Section 106 of the Job Training Partnership Act (JPTA) (P.L. 97-300, effective October 13, 1982, as hereafter amended).

In addition, the Joint Committee suggests to the Department of Commerce and Community Affairs that the Department respond to the Joint Committee objection to Section 2610.100 by initiating a rulemaking which incorporates by reference the following document "Guide For Setting JPTA Title II-A and Title III (EDWAA) Performance Standards For PY89, March 1989," Office of Strategic Planning and Policy Development of Employment and Training Administration, United States Department of Labor, pursuant to the requirements of Section 6.02(b) of the Illinois Administrative Procedure Act.

88604366

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

DEPARTMENT OF CONSERVATION

Heading of Part: North Point Marina Vendors
Code Citation: 17 Ill. Adm. Code 230
Section Numbers: 230.10; 230.20; 230.30; 230.40; 230.50
Date Originally Published in Illinois Register: April 7, 1989
13 Ill. Reg. 4430

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to the rules of the Department of Conservation entitled "North Point Marina Vendors" (17 Ill. Adm. Code 230) because, contrary to Section 4.03(c) of the Illinois Administrative Procedure Act, the Department did not notify the Department of Commerce and Community Affairs that this rulemaking affects businesses.

The proposed rules of the Department of Conservation entitled "North Point Marina Vendors" establish requirements for vendors who are authorized by the Department to perform work and provide services at the Department's North Point Marina in Winthrop Harbor, Illinois.

The Initial Regulatory Flexibility Analysis included in the Department's first notice states: "This rule has no impact on small businesses or municipalities. The Department was asked to explain why this rulemaking does not affect small businesses. The Department replied that the Initial Regulatory Flexibility Analysis is incorrect and that the rules do affect businesses. The Department acknowledged that some of the businesses that seek vendor authorization will probably fall under the definition of "small business" in Section 3.10 of the Illinois Administrative Procedure Act. The Department also stated that any potential effect on small businesses would be positive, as the rules provide a procedure by which authorized vendors may conduct their business at the Marina."

Section 4.03 of the Illinois Administrative Procedure Act (IAPA) requires an agency to "notify the Business Assistance Office of the Department of Commerce and Community Affairs when rules affect businesses." This provision of the IAPA does not depend upon whether the agency

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determines that the anticipated effect will be positive or negative. The Department's rules define the term "Vendor" as "Any marine service business which has not leased grounds or buildings at the North Point Complex for the purpose of establishing a permanent business" [emphasis added]. The Department indicated that the types of vendors who would seek authorization under the proposed rules might include boat and motor repair, hull cleaning, sail rigging, and maid service. In addition, the Department's rules refer to "gross sales" of vendors and require vendors to possess "all business licenses" required by State and local law. As evidenced by the definition of vendor, by the types of services described by the Department, and by the terminology used in the rules, the entities that will seek vendor authorization are businesses. Section 3.10 of the Illinois Administrative Procedure Act defines "small business" as "a corporation . . . or a concern, including its affiliates, which is independently owned and operated, not dominant in its field, and which employs fewer than 50 full-time employees or which has gross annual sales of less than \$4 million." It is highly likely the potential vendors will qualify as small businesses under this definition.

This is not the first time that the Joint Committee has considered the Department of Conservation's failure to alert businesses to a rulemaking that affects them. At the Joint Committee's June 3, 1989 meeting, the Joint Committee considered a similar recommendation in regard to the Department's proposed rules entitled "Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life" (17 Ill. Adm. Code 870). At that time, the Department acknowledged its error and indicated that such a situation would not occur again. Consequently, the objection was not voted by the Joint Committee. Once again, however, the Department has failed to meet the requirements of Section 4.03(c) of the Illinois Administrative Procedure Act. The Department was clearly erroneous in failing to submit this rulemaking to the Department of Commerce and Community Affairs for analysis. The Department has also failed to alert small business is to a rulemaking that affects them.

Therefore, the Joint Committee objects to the rules of the Department of Conservation entitled "North Point Marina Vendors" (17 Ill. Adm. Code 230) because, contrary to Section 4.03(c) of the Illinois Administrative Procedure Act, the Department did not notify the Department of Commerce and Community Affairs that this rulemaking affects businesses.

88604430

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

OFFICE OF THE STATE FIRE MARSHAL

Heading of Part:Storage, Transportation, Sale and Use of Petroleum
and Other Regulated SubstancesCode Citation:

41 Ill. Adm. Code 170

Section Numbers:170.10
170.71Date Originally Published in Illinois Register:February 10, 1989
13 Ill. Reg. 1756

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committees objects to Section 170.10(v)(1)(B) and Section 170.71(e) of the rules of the State Fire Marshal entitled "Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill. Adm. Code 170) because, contrary to Sections 2 and 4 of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, pars. 154 and 156), the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6991), and 40 CFR 280, the State Fire Marshal's rules include heating oil tanks of more than 1,100 gallons capacity in the definition of underground storage tanks.

The Office of the State Fire Marshal has proposed these rules to establish policies governing the registration of underground storage tanks (USTs) and registration of persons who install, remove, repair or test such tanks. These rules implement "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances (the Act), as amended by Public Act 85-861, effective September 24, 1987, which authorized the Office to "adopt . . . regulations relating to an underground storage tank program that are not inconsistent with and at least as stringent as Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, or regulations adopted thereunder."

Section 170.10(v) of the State Fire Marshal's rules sets forth the definition "Underground Storage Tank" or "UST" as follows:

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"Underground storage tank" or "UST" means any one or a combination of tanks (including underground pipes and cathodic protection connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which... is 10 percent or more beneath the surface of the ground. A tank containing less than four percent petroleum of the total volume of its contents and no hazardous substance is not an underground storage tank or UST... underground storage tank or UST does not include any:...

- B) Tank of 1,100 gallons or less capacity used exclusively for storing heating oil for consumptive use on the premises where stored;....

Section 170 71(e) of the proposed rules states: "Once the owner of an underground storage tank used to store heating oil as described in subsection (d) [with a capacity greater than 1,100 gallons used exclusively to store heating oil for consumptive use on the premises where stored] has caused the tank to be eligible to access the Underground Tank Storage Fund (established in Ill. Rev. Stat. 1987, ch. 27 1/2, par. 186), the tank is subject to each subsequent annual fee assessment."

The State Fire Marshal was asked to cite its statutory authority for excluding from the definition of Underground Storage Tank only those heating oil tanks of 1,100 gallons or less capacity, in light of federal regulations (33 Fed. Reg. 37082; 40 CFR 280) and 42 U.S.C. 6991, which state that UST does not include "any tank used for storing heating oil for consumptive use on the premises where stored" (emphasis added), and which do not include a limit on the capacity of the tank. The State Fire Marshal was also asked to provide authority for requiring heating oil tanks to be subject to fee assessments.

The State Fire Marshal explained that Section 2(3)(b)(ii) of the Act authorizes the State Fire Marshal to adopt rules relating to an underground storage tank program that are "not inconsistent with and at least as stringent as" federal laws governing underground storage tanks, and regulations promulgated thereunder. The Fire Marshal acknowledged that the federal regulations exclude heating oil tanks, but contended that the "at least as stringent as" language in the law allows the agency

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to be more stringent than the federal statute and corresponding regulations. The Fire Marshal interprets "at least as stringent as" to mean that its rules may exceed federal requirements and may regulate USTs not regulated by the United States Environmental Protection Agency. The State Fire Marshal explained that it has been the agency's experience that many large tanks (over 1,100 gallons in capacity) exist, and that many of the large tanks are old and in danger of leaking. The tanks are located at places such as schools, hospitals, and small businesses, thus posing an even greater danger to the public. The Fire Marshal also cited a publication prepared by the United States Environmental Protection Agency (USEPA) that, the Fire Marshal asserted, recommends that states include coverage of heating oil tanks over 1,100 gallons capacity in their rules implementing the Resource Conservation and Recovery Act.

The State Fire Marshal's arguments are unpersuasive. The inclusion of heating oil tanks of over 1,100 gallons capacity in the State Fire Marshal's definition of Underground Storage Tank violates State law, federal law, and federal regulations. The federal definition of "Underground Storage Tank," at 42 U.S.C. 6991(1), states:

The term "underground storage tank" means any one or a combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10 per centum or more beneath the surface of the ground. Such term does not include any - ...

- B) tank used for storing heating oil for consumptive use on the premises where stored,.... [Emphasis added.]

The definition does not place any limitation on the size of heating oil tanks that are to be exempted from the definition of underground storage tank. Any tank in which heating oil is stored for consumptive use on the premises is exempt.

Federal regulations implementing the Resource Conservation and Recovery Act (40 CFR 280, effective December 22, 1988) use a definition of "underground storage tank" identical to that set forth in the law and

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quoted above, once again stating that "underground storage tank" does not include any tank used for storing heating oil for consumptive use on the premises where stored. In its comments concerning its adopted rules (53 FR 37118), the USEPA states:

[S]everal commenters provided suggestions that would result in narrower interpretations of this [heating oil tanks] exclusion by regulating ... all tanks above a certain size. The Agency recognizes the concerns expressed by these comments but believes that the statutory language prevents adoption of such suggestions. Under the statute, the exclusion of heating oil tanks is not limited to certain categories of heating oil tanks (e.g., only residential or only tanks less than 1,00 gallons). [Emphasis added.]

The State Fire Marshal's rules include a limitation on the heating oil tanks exemption that the USEPA has clearly rejected as being without statutory basis.

At the State level, the State Fire Marshal is authorized by "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances to "adopt...regulations relating to an underground storage tank program that are not inconsistent with and at least as stringent as...the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, or regulations adopted thereunder" (emphasis added). Section 4(e)(1) of the Act states:

The terms "petroleum" and "underground storage tank" shall have the meanings ascribed to them in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended.

The State Fire Marshal's definition of "underground storage tanks," by including a limitation on the exemption of heating oil tanks, is inconsistent with the definition of "underground storage tanks" set forth in the Resource Conservation and Recovery Act and incorporated into

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"AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances." The courts have indicated that statutory language is the best indication of legislative intent, "and when that language is clear and unambiguous, courts will not read into the statute exceptions, limitations and conditions." (People v. Goins, 116 Ill. Dec. 193, 518 N.E.2d 1014 (1988).) "Statutory provisions are to be construed in accordance with the plain meaning of the language utilized by the legislature, and where the language is unambiguous, a court cannot enlarge upon the legislative intent as expressed in the language used." (Denton v. Hood, 78 Ill. Dec. 235, 461 N.E.2d 1069 (1984).) Contrary to the State Fire Marshal's assertion, the "at least as stringent as" provision in the Act does not authorize the State Fire Marshal to expand upon the parameters established by federal law and regulations to regulate any type of underground storage tank it desires to regulate. Rather, the State Fire Marshal is authorized to promulgate more stringent rules than those set forth in 40 CFR 280 within the confines of statutory authority, as established by the USEPA's definition of "underground storage tank, and not in the areas specifically exempted from the definition by federal law and regulation.

Neither do the "recommendations" of the USEPA relative to the regulation of heating oil tanks provide any authorization for the State Fire Marshal's rules. An examination of the publication wherein the recommendations are contained reveals that is a "draft" report to Congress, prepared in November of 1988, recommending ways in which the Resource Conservation and Recovery Act might be amended to solve problems associated with underground motor fuel and heating oil tanks. The USEPA recommended to Congress that USEPA be granted authority to regulate large exempt residential heating oil tanks over 1,100 gallons in capacity and all exempt nonresidential heating oil tank systems owned and operated at commercial, institutional, government, manufacturing, and military facilities. Until such time as Congress acts on the USEPA's recommendations, however, the State Fire Marshal is required to comply with existing law. Although the State Fire Marshal contends that the draft report urges states to adopt the recommended provisions in their rules, the draft report includes only recommendations to Congress and not to individual states.

Public comment received by the Joint Committee and the Office of the State Fire Marshal also calls attention to the State Fire Marshal's lack of authority to regulate heating oil tanks. The Real Estate Consortium stated in its comments that the proposed rules are inconsistent with federal regulations that exclude heating oil tanks. Illinois Power

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Company's comments indicate that "[r]estricting the heating oil exemption to UST's with capacities less than 1100 gallons is not within the statutory authority for this rule."

Section 4(e)(1) of the Act states that the term "underground storage tank" is to have the meaning ascribed to it in federal regulations implementing the Resource Conservation and Recovery Act. The State Fire Marshal recently attempted unsuccessfully to amend Section 4(e)(1) to alter the definition to allow the agency to regulate heating oil tanks and emergency power generators over 1,100 gallons. The State Fire Marshal's proposed amendment to Senate Bill 0064 would have amended Section 4(e)(1) of the Act as follows:

(e)(1) The terms "petroleum" and "underground storage tank" shall have the meanings ascribed to them in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, except that "underground storage tank" shall include heating oil tanks and emergency power generator tanks of 1,100 gallons or greater capacity; and no release detection shall be required of heating oil tanks, in existence as of the effective date of this amendatory Act of 1989, prior to December 22, 1988. The Office of the State Fire Marshal shall have the authority to determine the criteria for classification of an underground storage tank as being either a petroleum underground storage tank or a hazardous substance underground storage tank.

The Office of the State Fire Marshal has included in its rules a policy that was rejected by the General Assembly and the USEPA and that violates the agency's mandate to adopt rules consistent with the Resource Conservation and Recovery Act and its implementing regulations.

Therefore, the Joint Committee objects to Section 170.10(v)(1)(B) and Section 170.71(e) of the rules of the State Fire Marshal entitled

"Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill. Adm. Code 170) because, contrary to Sections 2 and 4 of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, pars. 154 and 156), the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6991), and 40 CFR 280, the State Fire Marshal's rules include heating oil tanks of more than 1,100 gallons capacity in the definition of underground storage tanks.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

DEPARTMENT OF PUBLIC AID

Heading of Part: Medical PaymentCode Citation: 89 Ill. Adm. Code 140Section Numbers: 140.110Date Originally Published in Illinois Register:July 15, 1988
12 Ill. Reg. 11701

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to the rulemaking of the Department of Public Aid which adds Section 140.110 "Disproportionate Share Hospital Adjustments" because the Department implemented this rulemaking prior to the completion of the required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

This rulemaking adds new Section 140.110 to the rules of the Department of Public Aid governing Medical Payment, 89 Ill. Adm. Code 140. The rulemaking sets forth the mechanism by which the Department makes adjustment payments to disproportionate share hospitals. Disproportionate share hospitals are hospitals that serve a large number of low income patients who have special needs. This rulemaking was originally made effective on July 1, 1988 through the use of identical emergency rules. The emergency rules were effective for 150 days and have since expired.

The Department was asked whether it continued to make disproportionate share payments after the expiration of the emergency rules, in the absence of any rules. The Department conceded that it continued the payment program after the expiration of the emergency rulemaking, pursuant to the provisions of this rulemaking.

In essence, the Department has implemented this rulemaking prior to the completion of the rulemaking process mandated by the Illinois Administrative Procedure Act. The IAPA (Ill. Rev. Stat. 1987, ch. 127, par. 1101 et seq.) prohibits the Department from implementing these rules prior to their adoption in accordance with the rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

DEPARTMENT OF PUBLIC AID

(Continued Page 2)

procedures. Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Section 5.01, 5.02, and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the emergency rulemaking procedures of Section 5.02 and the general rulemaking procedures of Section 5.01. The emergency rule expired. The Department, however, did not comply with Section 5.01(c) which prescribes that a rule may not be effective until its adoption. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." By continuing to implement the rule after the expiration of the emergency rules and prior to the adoption of the permanent rules the Department has failed to comply with the requirements of Sections 4(c), 5(a) and 5.01(c) prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issues of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to rules of the Department of Public Aid and to other agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, the Department admits its implementation of the program prior to the conclusion of the general rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to the rulemaking of the Department of Public Aid which adds Section 140.110 "Disproportionate Share Hospital Adjustments" because the Department implemented this rulemaking prior to the completion of the required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

88611701

Heading of Part: Appeals and Hearings
Code Citation: 89 Ill. Adm. Code 510
Section Numbers: 510.10; 510.20; 510.30; 510.40; 510.50; 510.60
510.70; 510.80; 510.90; 510.100; 510.110
Date Originally Published in Illinois Register: March 10, 1989
13 Ill. Reg. 3036

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

Objection 1

The Joint Committee objects to the rulemaking of the Department of Rehabilitation Services entitled "Appeals and Hearings;" (89 Ill. Adm. Code 510), because the rules do not accurately and completely reflect the Department's policies for the conduct of hearings concerning blind vendors.

This rulemaking sets forth hearing rules which are applicable to every individual served by each program administered by the Department of Rehabilitation Services (DORS). As opposed to having an appeals mechanism within each program, DORS has opted to adopt one set of general hearing rules. The rules contain general provisions setting forth grounds for appeal. The rules state generally what will not be deemed grounds for appeal. The rules provide for a Level I hearing at which a grievance will be heard by the supervisor of the DORS staff person who has taken the action subject to appeal. After the Level I hearing is complete, the rules provide for a Level II hearing, which will be conducted by an impartial hearing officer. Finally, the Director of DORS may choose to review the results of any Level II hearing.

The newly proposed rules at Part 510 "Appeals and Hearings" replace current rules also numbered Part 510 entitled "Administrative Reviews and Hearings" which are being repealed. These newly proposed rules will include blind vendors as being subject to Part 510 appeals procedures. Prior to these proposed rules, blind vendors appealed Departmental actions under Section 650.80, grievance procedures.

Section 510.40(b) allows Vocational Rehabilitation clients the right to decide whether to request a Level I or a Level II hearing, while preserving no such option for blind vendors. However, as a result of discussions held subsequent to the commencement of the second notice period, the Department has indicated that it intends to afford the same right to blind vendors. As a result, the present rule fails to completely and accurately reflect Departmental policy.

Section 510.40(e) provides that all proceedings pursuant to Part 510 are to be confidential and not open to the general public unless requested to be so by the grievant or DORS and agreed to by the other party. The Department conceded that this rule does not completely and accurately express its policies in regard to confidentiality.

Section 510.90(a) provides that a request for a Level II hearing must be made within 10 days of the date of a Level I hearing decision. The rule in its present form does not address the fact that in certain situations Level I hearings may not be held.

Similarly, Section 510.70(b)(5) requires that the Level II hearing shall review only the issues involved by the grievant at the Level I hearing. This provisions needs to be modified to reflect the fact that in some instances, no Level I hearing will be held.

Therefore, the Joint Committee objects to the rulemaking of the Department of Rehabilitation Services entitled "Appeals and Hearings;" (89 Ill. Adm. Code 510), because the rules do not accurately and completely reflect the Department's policies for the conduct of hearings concerning blind vendors.

Objection 2

The Joint Committee objects to Section 650.80 of the existing rules of the Department of Rehabilitation Services, because, by proposing Part 510, "Appeals and Hearings," before repealing Section 650.80, "Grievance to Procedures for Licensed Blind Vendors" the Department has created confusion concerning which procedures blind vendors must use to appeal a Department action.

The Department of Rehabilitation Services has proposed a new Part entitled "Appeals and Hearings" (89 Ill. Adm. Code 510) to replace its current hearing rules entitled "Administrative Reviews and Hearings" which are being repealed. The proposed rules now include blind vendors as being subject to the "Appeals and Hearing Rules" of Part 510

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF REHABILITATION SERVICES
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rather than Part 650, "Vending Stand Program for the Blind." The Illinois Committee of Blind Vendors (ICBV), speaking on behalf of licensed blind vendors, has opposed inclusion of blind vendors under the hearings and appeals procedures of Part 510.

Section 650.80 adopted on April 16, 1984, contains the grievance procedures under which blind vendors currently appeal any action with which they are dissatisfied. The Department's inclusion of blind vendors under Part 510, when grievance procedures in Section 650.80 have not been repealed, presents blind vendors with a confusing situation. The Department was asked to provide its timelines for repeal of Section 650.80.

If the Department adopts Part 510 prior to its repeal of Section 650.80, confusion as to which hearing procedures must be used would result. The confusion over which rules will control and which Part will provide the basis for an appeal and a decision is untenable for blind vendors affected by these rules. The Department's assertion that Section 650.80 will control until repealed, does not anticipate the effect proposed Part 510 could have upon a blind vendor. An equally valid argument could be made to assert that Part 510, in fact, when adopted will supersede Section 650.80 grievance procedures. Given the potential for confusion it seems appropriate to request that the Joint Committee consider the following recommendation.

Therefore, the Joint Committee objects to Section 650.80 of the existing rules of the Department of Rehabilitation Services, because, by proposing Part 510, "Appeals and Hearings," before repealing Section 650.80, "Grievance to Procedures for Licensed Blind Vendors" the Department has created confusion concerning which procedures blind vendors must use to appeal a Department action.

88603036

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

DEPARTMENT OF REHABILITATION SERVICES

Heading of Part: Appeals and Hearings

Code Citation: 89 Ill. Adm. Code 510

Section Numbers: 510.10; 510.20; 510.30; 510.40; 510.50; 510.60
510.70; 510.80; 510.90; 510.100; 510.110

Date Originally Published in Illinois Register: March 10, 1989
13 Ill. Reg. 3036

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules recommended that the Department of Rehabilitation Services provide a form relating to the above referenced rulemaking. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee recommends that the Department initiate rulemaking under Section 5.01 of the Illinois Administrative Procedure Act to repeal Section 650.80 of the Department's existing rules, so that blind vendors will not be confused as to which rules are applicable to vendors appealing a Departmental action, Part 510 of the proposed rules or Section 650.80 of the existing rules.

The Department of Rehabilitation Services has proposed a new Part entitled "Appeals and Hearings" (89 Ill. Adm. Code 510) to replace its current hearing rules entitled "Administrative Reviews and Hearings" which are being repealed. The proposed rules now include blind vendors as being subject to the "Appeals and Hearing Rules" of Part 510 rather than Part 650, "Vending Stand Program for the Blind." The Illinois Committee of Blind Vendors (ICBV), speaking on behalf of licensed blind vendors, has opposed inclusion of blind vendors under the hearings and appeals procedures of Part 510.

Section 650.80 adopted on April 16, 1984, contains the grievance procedures under which blind vendors currently appeal any action with which they are dissatisfied. The Department's inclusion of blind vendors under Part 510, when grievance procedures in Section 650.80 have not been repealed, presents blind vendors with a confusing situation. The Department was asked to provide its timelines for repeal of Section 650.80.

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ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF REHABILITATION SERVICES
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If the Department adopts Part 510 prior to its repeal of Section 650.80, confusion as to which hearing procedures must be used would result. The confusion over which rules will control and which Part will provide the basis for an appeal and a decision is untenable for blind vendors affected by these rules. The Department's assertion that Section 650.80 will control until repealed, does not anticipate the effect proposed Part 510 could have upon a blind vendor. An equally valid argument could be made to assert that Part 510, in fact, when adopted will supersede Section 650.80 grievance procedures. Given the potential for confusion it seems appropriate to request that the Joint Committee consider the following recommendation.

Therefore, the Joint Committee recommends that the Department initiate rulemaking under Section 5.01 of the Illinois Administrative Procedure Act to repeal Section 650.80 of the Department's existing rules, so that blind vendors will not be confused as to which rules are applicable to vendors appealing a Departmental action, Part 510 of the proposed rules or Section 650.80 of the existing rules.

88803036

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF REHABILITATION SERVICES

Heading of Part:	Total Life Planning Program
Code Citation:	89 Ill. Adm. Code 895
Section Numbers:	895.10 895.20 895.30 895.40 895.50 895.60 895.70

Date Originally Published in Illinois Register: March 17, 1989
13 Ill. Reg. 3310

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to the Department of Rehabilitation Services' (DORS) rules governing "Total Life Planning Program", 89 Ill. Adm. Code 895, because DORS has implemented this program prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

This rulemaking establishes the Total Life Planning Program, a DORS program for deaf-blind individuals which consists of an evaluation of client abilities and needs, development of client goals and plans to meet these goals, and referral of the client to the appropriate agencies for services identified in the plan. The rules propose definitions, general provisions (such as program purpose, client responsibilities, client rights, confidentiality, documentation of guardianship, and compliance with non-discrimination statutes), application information, eligibility criteria, service program components (such as a needs assessment, development of service program objectives, activities and timeframes, and client approval), an annual review of the service program, and provisions for case closure.

The Department was asked how deaf-blind individuals received services previous to the institution of this program and when it intends to implement this program. The DORS representative stated that clients are currently receiving services under this Total Life Planning Program. DORS originally implemented this Total Life Planning Program pursuant

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to a federal grant #086DH5007 from the United States Office of Education called Innovative Programs for Severely Handicapped Children: Total Life Planning Deaf/Blind. When the grant expired in 1987, DORS chose not to discontinue the program which served transition age youth from about 16 through 25 years of age, and in fact, expanded services to include about 90 deaf/blind clients of all ages, under its generalized grant of authority for Departmental prescription and supervision of vocational training courses and cooperation with state and local school authorities and other rehabilitation agencies, Ill. Rev. Stat. 1987, ch. 23, par. 3434(b). As DORS is the responsible agency for supervising the rehabilitation of disabled persons and as DORS did not wish to interrupt services to these deaf/blind individuals, DORS determined to continue its sponsorship of the program under its current generalized grant of authority, even after the expiration of the federal grant. The Department representative admitted that DORS had implemented this program prior to Departmental adoption of rules under the general rulemaking procedures of Section 5.01 of the Illinois Administrative Procedure Act (IAPA).

The IAPA (Ill. Rev. Stat. 1987, ch. 127, par. 1101 et seq.) prohibits the Department from implementing these rules prior to their adoption in accordance with the rulemaking procedures. Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Section 5.01, 5.02, and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the general rulemaking procedures of Section 5.01. The Department, however, did not comply with Section 5.01(c) which prescribes that a rule may not be effective until its adoption. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." DORS has failed to comply with the requirements of Sections 4(c), 5(a) and 5.01(c) prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments

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prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, DORS readily admits its implementation of the program prior to the conclusion of the general rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to the Department of Rehabilitation Services' (DORS) rules governing "Total Life Planning Program", 89 Ill. Adm. Code 895, because DORS has implemented this program prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 4(c), 5(a), and 5.01(c) of the IAPA.

88603310

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO EXISTING RULES

OFFICE OF THE STATE FIRE MARSHAL

Heading of Part:Storage, Transportation, Sale and Use of Petroleum
and Other Regulated SubstancesCode Citation:

41 Ill. Adm. Code 170

Section Numbers:

170.530

Date Originally Published in Illinois Register:May 19, 1989
13 Ill. Reg. 7744

At its meeting on July 28, 1989, the Joint Committee objected to the above existing rulemaking. Failure of the Office of the State Fire Marshal to respond within 90 days of the receipt of this Statement of Objection shall constitute a refusal to amend or repeal this rule.

The specific objection is as follows:

The Joint Committee objects to Section 170.530 of the adopted rules of the Office of the State Fire Marshal entitled "Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 7744) because the Office adopted the rules more than 120 days after promulgation of parallel federal regulations (40 CFR 280.43) by the United States Environmental Protection Agency (USEPA), in violation of Section 2(b)(1) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils, and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127, par. 154(b)(1)).

The Office of the State Fire Marshal adopted these rules to add Section 170.530 to its rules governing Underground Storage Tanks; 41 Ill. Adm. Code 170. The amendments prescribe procedures relating to groundwater monitoring to be taken in conjunction with other rules adopted by the Office dealing with release detection provisions for underground storage tanks (USTs). Section 2(b)(1) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other substances" (the Act) (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(1)) directs the Office of the State Fire Marshal to adopt, within 120 days of adoption of companion federal regulations, rules which are identical in substance to rules promulgated by the U.S. EPA to implement 42 U.S.C.A. 6991b, pertaining to release detection, prevention and corrective measures for owners of underground storage tanks as may be necessary to protect human health and the environment.

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The Act also states that the rulemaking provisions of Section 5 of the Illinois Administrative Procedure Act (IAPA) shall not be applicable to rules adopted by the Office pursuant to that statutory provision.

The federal regulations were effective December 22, 1988 (53 Fed. Reg. 37082). The Office published and adopted its adopted rules on April 21, 1989 (13 Ill. Reg. 5669). However, the Office inadvertently failed to file Section 170.530 at the time it adopted its substantive rulemaking on April 21, 1989. On May 9, 1989, the Office filed and adopted Section 170.530, reporting in its Notice of Adopted Amendments (13 Ill. Reg. 7744) that since "the seven days in which this could have been corrected by Notice had expired, this language is now being added by amendment to 170.530. Since the original rulemaking was exempt from Section 5 of the Illinois Administrative Procedure Act, this corrective amendment is being adopted in the same way." It is apparent that the purpose of this rulemaking is to correct an error by the Office in adopting rules in Part 170. However, Section 2(b)(1) of the Act requires rules adopted thereunder that are "identical in substance" to federal regulations to be adopted "[w]ithin 120 days after the promulgation of regulations or amendments thereto by the Administrator of the United States Environmental Protection Agency" (emphasis added). That requirement has not been met in this instance, the 120 day period having ended on April 26, 1989. Exemption from the procedural elements of Section 5 of the IAPA permits the Office to adopt its rules in an abbreviated time period. That objective has not been achieved, and because the office has failed to meet the condition precedent to its exemption of adoption of rules within 120 days of promulgation of federal rules, the Office may not now employ that exemption. The Office should have adopted Section 170.530 pursuant to Section 5 of the IAPA because the abbreviated time and filing objectives of the Act have not been served in this instance.

Section 7.07 of the IAPA authorizes the Joint Committee to "examine any rule for the purpose of determining whether the rule is within the statutory authority upon which it is based" An examination of this rulemaking reveals that the action of the Office in adopting rules is not within the statutory authority upon which the rule is based because the 120 days time limit, which is one of the statutory criteria for use of the exemption in Section 2(b)(1) of the Act, has not been met. Therefore, the use of the exemption by the Office is improper in this instance.

Therefore, the Joint Committee objects to Section 170.530 of the adopted rules of the Office of the State Fire Marshal entitled "Storage,

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Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 7744) because the Office adopted the rules more than 120 days after promulgation of parallel federal regulations (40 CFR 280.43) by the United States Environmental Protection Agency (USEPA), in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils, and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127, par. 154(b)(1)).

88707744

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO EXISTING RULES

OFFICE OF THE STATE FIRE MARSHAL

Heading of Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

Code Citation: 41 Ill. Adm. Code 170

Section Numbers: 170.610

Date Originally Published in Illinois Register: June 9, 1989
13 Ill. Reg. 8875

At its meeting on July 28, 1989, the Joint Committee objected to the above existing rulemaking. Failure of the Office of the State Fire Marshal to respond within 90 days of the receipt of this Statement of Objection shall constitute a refusal to amend or repeal this rule.

The specific objection is as follows:

The Joint Committee objects to Section 170.610 of the adopted rules of the Office of the State Fire Marshal entitled "Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 8875) because, the Office adopted the rules more than 120 days after promulgation of parallel federal regulations (40 CFR 280.62) by the United States Environmental Protection Agency (USEPA), in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils, and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127, par. 154(b)(1)).

The Office of the State Fire Marshal adopted these rules to add Section 170.610 to its rules governing Underground Storage Tanks; 41 Ill. Adm. Code 170. The amendments prescribe initial evaluative, monitoring and remedial procedures to be undertaken in cases in which there is a release of the contents of an underground storage tank (UST). The requirements include: visual inspection of the site, measurement and monitoring of the site for additional releases and that damage caused by the release be remedied. Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils, and other substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)) directs the Office of the State Fire Marshal to adopt, within 120 days of adoption of companion federal regulations, rules which are identical in substance to rules promulgated by the USEPA to implement 42 U.S.C.A. 6991b, pertaining to release detection, prevention and corrective

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measures for owners of underground storage tanks as may be necessary to protect human health and the environment. The Act also states that the rulemaking provisions of Section 5 of the Illinois Administrative Procedure Act (IAPA) shall not be applicable to rules adopted by the Office pursuant to that statutory provision.

The federal regulations were effective December 22, 1988 (53 Fed. Reg. 37082). The Office published and adopted its rules (13 Ill. Reg. 5669) on April 21. However, the Office inadvertently failed to file Section 170.610 at the time it adopted its substantive rulemaking on April 21. On May 24, 1989, the Office filed and adopted Section 170.610, reporting in its Notice of Adopted Amendments (13 Ill. Reg. 8875) that since "the seven days in which this could have been corrected by Notice had expired, this language is now being added by amendment to 170.610. Since the original rulemaking was exempt from Section 5 of the Illinois Administrative Procedure Act, this corrective amendment is being adopted in the same way." It is apparent that the purpose of this rulemaking is to correct an error by the Office in adopting Part 170. However, Section 2(b)(i) of the Act requires rules adopted thereunder that are "identical in substance" to federal regulations to be adopted "[w]ithin 120 days after the promulgation of regulations or amendments thereto by the ... United States Environmental Protection Agency" (emphasis added). That requirement has not been met in this instance, the 120 day period having ended on April 26, 1989. Exemption from the procedural elements of Section 5 of the IAPA permits the Office to adopt its rules in an abbreviated time period. That objective has not been achieved, and, because the Office has failed to meet the condition precedent to its exemption, timely adoption of rules within 120 days of promulgation of federal rules, the Office may not now employ that exemption. The Office should have adopted Section 170.610 pursuant to Section 5 of the IAPA because the abbreviated time and filing objectives of the Act have not been served in this instance.

Therefore, the Joint Committee objects to Section 170.610 of the adopted rules of the Office of the State Fire Marshal entitled "Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 8875) because, the Office adopted the rules more than 120 days after promulgation of parallel federal regulations (40 CFR 280.62) by the United States Environmental Protection Agency (USEPA), in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils, and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127, par. 154(b)(i)).

88708875

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO EXISTING RULES

OFFICE OF THE STATE FIRE MARSHAL

Heading of Part:

Storage, Transportation, Sale and Use of Petroleum and Other Substances

Code Citation:

41 Ill. Adm. Code 170

Section Numbers:

170.400; 170.430; 1470.460; 170;480; 170.620

Date Originally Published in Illinois Register:April 21, 1989
13 Ill. Reg. 5669

At its meeting on July 28, 1989, the Joint Committee objected to the above existing rulemaking. Failure of the Department to respond within 90 days of the receipt of this Statement of Objection shall constitute a refusal to amend or repeal this rule.

The specific objections are as follows:

Objection 1

The Joint Committee objects to Section 170.400(jj)(1) and (B) of the adopted rulemaking of the Office of the State Fire Marshal entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because the Office has defined an underground storage tank (UST) to include tanks of more than 1,100 gallons used exclusively for storing heating oil, and because the rules state that an emergency power generator is subject to stores fuel for use by an emergency power generator is subject to federal rules pertaining to release detection measures, which provisions are not "identical in substance" to rules promulgated by the United States Environmental Protection Agency (USEPA) (40 CFR 280.12), in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)).

The Office of the State Fire Marshal adopted these rules to amend its rules governing Underground Storage Tanks; 41 Ill. Adm. Code 170. Provisions for the design, construction and reporting of new and upgraded Underground Storage Tank (UST) systems and continuance of corrosion protection procedures for steel UST systems are stated. Guidelines for the performance of repairs and lining of USTs are added by reference to industry codes of practice. Owners and operators of

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new and existing UST systems are required to adopt release detection procedures and other measures no later than 1998, depending on the age of the UST system. Specific provisions have been promulgated for release detection systems for hazardous substance UST systems. Reporting of releases and subsequent investigation and remedial measures are prescribed, and procedures for abandonment or classification by owners or operators of UST systems as out-of-service are established. The rules define an "underground storage tank", or UST, to mean tanks containing regulated substances, the volume of which is 10 percent or more underground, and expressly includes tanks of more than 1,100 gallons capacity used for storing heating oil for consumptive use on the premises where stored.

Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)) (the Act) directs the Office of the State Fire Marshal to adopt rules, within 120 days of promulgation of rules by the United States Environmental Protection Agency (USEPA), which are identical in substance to rules promulgated by the USEPA to implement 42 U.S.C.A. 6991b, pertaining to release detection, prevention and corrective measures for owners of underground storage tanks as may be necessary to protect human health and the environment. The Act also states that the rulemaking provisions of Section 5 of the Illinois Administrative Procedure Act (IAPA) shall not be applicable to rules adopted by the Office pursuant to Section 2(b)(i). The USEPA adopted the governing regulations December 22, 1988 (53 Fed. Reg. 37082; 40 CFR 280).

Section 170.400(j)(1) and (B) of the Office's rules constitutes part of its definition of an underground storage tank (UST). Relevant portions of that definition are:

"An UST system does include an emergency power generator tank that stores any classification of fuel for use exclusively, alternately or concurrently by an emergency power generator, except as otherwise excluded in subsections (1)(K) and (2)(C)." (Septic tanks or a UST system that is part of an emergency generator system at a nuclear power facility). "Underground storage tank or UST does not include any:

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A) ...

B) Tank of 1,100 gallons or less capacity used exclusively for storing heating oil for consumptive use on the premises where stored".

The parallel federal regulation (40 CFR 280.12, 53 Fed. Reg. 37197) defines a UST as not including any: "tanks used for storing heating oil for consumptive use on the premises where stored:". The federal rules at 40 CFR 280.10(d), 53 Fed. Reg. 37195 state that Subpart D of the federal rules (pertaining to release detection measures only) "does not apply to any UST system that stores fuel solely for use by emergency power generators."

The Office's rules are different from their parallel federal provisions in that they include, in the definition of UST, tanks of more than 1,100 gallons which store heating oil, while the federal rules exempt all tanks used for storage of heating oil used on the premises. In addition, all of the Office's rules are deemed applicable to emergency power generator tanks, while the federal rules state that release detection provisions are not applicable to such tanks. The Office's rules not only do not appear to be "identical in substance", but are also inconsistent with the parallel federal regulations. Section 7.07 of the Illinois Administrative Procedure Act (IAPA) (Ill. Stat. 1987, ch. 127, par. 1007.07) authorizes the Joint Committee to "examine any rule for the purpose of determining whether the rule is within the statutory authority upon which it is based. . . ." The Office was asked to explain why the above-discussed discrepancies have been included in the rules, especially in light of adverse public comment received by both the Joint Committee and the Office concerning the Office's inclusion of large heating oil tanks in its regulatory program as not being identical in substance with federal rules.

In response, the Office stated that it included large heating oil tanks in its rules for public safety reasons. The Office cited a draft USEPA report to Congress, dated November 29, 1988, which recommends that heating oil tanks of more than 1100 gallons be ultimately included under the federal/state regulatory program. The Office also cited 40 CFR 281.30, Subpart C, captioned "Criteria for No-Less Stringent," which details the criteria employed by the federal government in evaluating whether a state program is "no less stringent" than federal regulations.

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The Office cited this as implying its rules could be more stringent than the federal rules.

The Office has ignored the essential requirement set out in Section 2(b)(i) of the Act for its use of exempt rulemaking: that the rules it adopts be "identical in substance" to federal regulations. Contrary to the State Fire Marshal's assertion, the "no-less stringent" provisions in the federal rules do not authorize the State Fire Marshal to expand upon the parameters established by federal law and regulations to regulate any type of underground storage tank it desires to regulate. Rather, the State Fire Marshal is authorized to promulgate more stringent rules than those set forth in 40 CFR 280 within the confines of statutory authority, which, in this case is Section 2(b) (i) of the Act and as established by the USEPA's definition of "underground storage tank" in 40 CFR 280.

The Joint Committee has received public comment from regulated entities indicating confusion over the Office's policies. The Real Estate Consortium stated that it "believes that the amendments are inconsistent with Ill. Rev. Stat. ch. 127 1/2, par. 154, which requires that the Fire Marshal adopt regulations and amendments that are 'identical in substance' to federal regulations" and that "the rules will create confusion even among those Illinois citizens attempting to comply." Illinois Power Company stated that the rules exceed the State Fire Marshal's authority, are inconsistent with federal regulations, and "are not identical in substance." The Office's adoption of four exempt rulemakings to date (13 Ill. Reg. 5669, April 21, 1989; 13 Ill. Reg. 7744, May 19, 1989; 13 Ill. Reg. 8515, June 2, 1989; 13 Ill. Reg. 8875, June 9, 1989), two of which were to correct omissions in filing material with the Secretary of State's Office, adoption of emergency rules (13 Ill. Reg. 1875 and 13 Ill. Reg. 1886, February 10, 1989) and proposal of permanent rules (13 Ill. Reg. 1754 and 13 Ill. Reg. 1756) regarding regulation of aboveground and underground storage tanks also creates confusion to the regulated public. Additional public comments concerning the above-referenced rulemakings were submitted by the Illinois Manufacturer's Association, Mobil Oil Corporation, Chemical Industries Council of Illinois, Dupage County Fire Chiefs Association, Growmark, Illinois Farm Bureau, Illinois Fire Inspectors Association, Stepan Company, Old Ben Coal Company, and Quantum Chemical Corporation.

Although the Act does not define the phrase "identical in substance," it should be noted that recent amendments to the Illinois Environmental Protection Act (IEPA) (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par.

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1007.2 as enacted by Public Act 85-1048, effective January 2, 1989), have clarified that phrase in the context of the Illinois Pollution Control Board's responsibilities. Section 7.2 of the IEPA states:

In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

- (1) The Board shall not adopt the equivalent of USEPA rules that are not applicable to persons or facilities in Illinois
- ... (2) The Board shall not adopt rules prescribing things which are outside the Board's normal functions,...
- (3) If a USEPA rule prescribes the contents of a State regulation without setting forth the regulation itself, which would be an integral part of any regulation required to be adopted as an "identical in substance" regulation as defined in this Section, the Board shall adopt a regulation as prescribed, to the extent possible consistent with other relevant USEPA regulations and existing State law...
- (4) ..., the Board may incorporate USEPA rules by reference where it is possible to do so without causing confusion to the affected public.

... (6) Wherever appropriate, the Board regulations shall reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of this Act and Section 5 of the Illinois Administrative Procedure Act.

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- (7) The Board may correct apparent typographical and grammatical errors in USEPA rules.

Although the definition of "identical in substance" in Section 7.2 of the IEPA has not been made specifically applicable to the Board's regulations governing underground storage tanks under Section 22.4(d) of the IEPA, the definition is instructive to the Board for the purpose of determining what constitutes "identical in substance" in regard to rules implementing the Resource Conservation and Recovery Act. In the absence of a specific definition of "identical in substance" in the Act, it is appropriate that the State Fire Marshal look to other statutes for guidance in determining how "identical in substance" should be interpreted. Therefore, the recent amendments to the IEPA clarifying the phrase "identical in substance" should be given considerable weight in reviewing the Office's rules. The IEPA provisions quoted above indicate that the Board may make technical revisions and typographical corrections, is to avoid prescribing policies outside of its statutory functions or geographic territorial jurisdiction, and that its rules must not be in conflict with other relevant federal regulations and existing state law. The Office's rules fail to meet these criteria. The changes made by the Office in including large heating oil tanks in the definition of UST and failing to defer release detection requirements for emergency power generator tanks are not "technical changes that in no way change the scope or meaning of any portion of the regulations." Nor are the changes necessary for compliance with the Illinois Administrative Procedure Act, or "apparent typographical and grammatical errors."

Federal law at 42 U.S.C. 6991 does not include heating oil tanks of any size in which the contents of the tank are used on the premises where stored, although the USEPA has recommended that large heating oil tanks be regulated. The "recommendations" of the USEPA relative to the regulation of heating oil tanks do not provide any authorization for the State Fire Marshal's rules. An examination of the publication wherein the recommendations are contained reveals that is a "draft" report to Congress, prepared in November of 1988, recommending ways in which the Resource Conservation and Recovery Act might be amended to solve problems associated with underground motor fuel and heating oil tanks. The USEPA recommended to Congress that USEPA be granted authority to regulate large exempt residential heating oil tanks over 1,100 gallons in capacity and all exempt nonresidential heating oil tank systems owned and operated at commercial, institutional, government, manufacturing, and military facilities. Until such time as Congress acts on the USEPA's

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recommendations, however, the State Fire Marshal is required to comply with existing law. Although the State Fire Marshal contends that the draft report urges states to adopt the recommended provisions in their rules, the draft report includes only recommendations to Congress and not to individual states. The Office cannot employ exempt rulemaking to adopt a provision acknowledged by the USEPA not to be permitted by federal law, as indicated by the following excerpt from the USEPA's comments to the federal rules (53 Fed. Reg. 37118):

In addition, several commentors provided suggestions that would result in narrower interpretations of this exclusion by regulating one of the following segments: All residential and commercial tanks; all commercial tanks; all tanks at commercial and government buildings; all residential buildings of six or more units; or all tanks above a certain size. The Agency recognizes the concerns expressed by these comments but believes that the statutory language prevents adoption of such suggestions. Under the statute, the exclusion of heating oil tanks is not limited to certain categories of heating oil tanks (e.g. only residential or only tanks less than 1,100 gallons). Congress did recognize, however, that heating oil tanks may require some regulation and required that EPA study this universe of exempt tanks and make recommendations concerning regulation (section 9009).

In response to its inclusion of emergency generator tanks for all of its rules, and its failure to exclude release detection measures listed in Subpart D of 40 CFR 280 (federal rules at 40 CFR 280.10(d), 53 Fed. Reg. 37195), the Office explained that its purpose was to better regulate the industry, but could cite no statute that gave it the requisite authority to adopt dissimilar rules.

Section 2(b)(1) of the Act states that the Office's rules must be "identical in substance" to federal rules. The USEPA has not promulgated the provisions adopted by the Office, and has even acknowledged that at present, with respect to heating oil tanks, it has

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no authority to impose such requirements. The Office's announced public safety motivations for adopting these provisions are not authorized by statute.

Therefore, the Joint Committee objects to Section 170.400(jj)(1) and (B) of the adopted rulemaking of the Office of the State Fire Marshal entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because the Office has defined an underground storage tank (UST) to include tanks of more than 1,100 gallons used exclusively for storing heating oil, and because the rules state that an emergency power generator is subject to federal rules pertaining to release detection measures, which provisions are not "identical in substance" to rules promulgated by the United States Environmental Protection Agency (USEPA) (40 CFR 280.12), in violation of Section 2(b)(1) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(1)).

Objection 2

The Joint Committee objects to Section 170.400 of the Office of the State Fire Marshal's adopted rulemaking entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because, by failing to promulgate as rules numerous definitions adopted by the United States Environmental Protection Agency (USEPA) (40 CFR 280.12, 53 Fed. Reg. 37195), the Office has failed to adopt rules "identical in substance" to those promulgated by the USEPA in violation of Section 2(b)(1) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils, and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(1)).

The Office of the State Fire Marshal adopted these rules to amend its rules governing Underground Storage Tanks; 41 Ill. Adm. Code 170. Provisions for the design, construction and reporting of new and upgraded underground storage tank (UST) systems and continuance of corrosion protection procedures for steel UST systems are stated. Guidelines for the performance of repairs and lining of USTs are added by reference to industry codes of practice. Owners and operators of new and existing UST systems are required to adopt release detection procedures and other measures no later than 1998, depending on the age

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of the UST system. Specific provisions have been promulgated for release detection systems for hazardous substance UST systems. Reporting of releases and subsequent investigation and remedial measures are prescribed, and procedures for abandonment or classification by owners or operators of UST systems as out-of-service are established. The rules define an "underground storage tank", or UST, to mean tanks containing regulated substances, the volume of which is 10 percent or more underground, and expressly includes tanks of more than 1,100 gallons capacity used for storing heating oil for consumptive use on the premises where stored.

Section 2(b)(1) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(1)) (the Act) directs the Office of the State Fire Marshal to adopt rules, within 120 days of promulgation of rules by the United States Environmental Protection Agency (USEPA), which are identical in substance to rules promulgated by USEPA to implement 42 U.S.C.A. 6991b, pertaining to release detection, prevention and corrective measures for owners of underground storage tanks as may be necessary to protect human health and the environment. The Act also states that the rulemaking provisions of Section 5 of the Illinois Administrative Procedure Act (IAPA) shall not be applicable to rules adopted by the Office pursuant to Section 2(b)(1). The USEPA adopted the governing regulations December 22, 1988 (53 Fed. Reg. 37082; 40 CFR 280).

Section 170.400 of the Office's adopted rulemaking, captioned "Definitions," omits numerous definitions promulgated by the Administrator, notably "aboveground release," "ancillary equipment," "belowground release," "beneath the surface of the ground," "CERCLA," "Converted piping," "electrical equipment," "excavation zone," "Free product," "hydraulic lift tank," "maintenance," "operational life," "release," "release detection," "SARA," "septic tank," "underground area," "UST system" and "wastewater treatment tank".

Section 7.07 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1007.07) authorizes the Joint Committee to "examine any rule for the purpose of determining whether it is within the statutory authority upon which it is based. . . ." The Office was asked to explain how its rules could be "identical in substance" to rules promulgated by the USEPA if such key terms as aboveground and belowground release, release detection, etc. were not defined by the Office, especially in light of the Office's extensive regulatory program

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contained in Section 170.500-610 of its rules pertaining to detection, control and reporting of "releases" of the contents of a UST. In response, the Office reported that it omitted the terms for purposes of clarity in its rulemaking, pointing out that one term defined in the federal rules, "SARA" (the Superfund Amendments and Reauthorization Act of 1986) is never used in the federal rules. The Office reported that the regulated community was aware of "what we mean", and that the federal EPA's policy was not intended to inhibit flexibility of state programs.

The Office's statement that the regulated public is aware of what its rulemaking means is rebutted by public comment received by the Joint Committee. The Real Estate Consortium stated that it "believes that the amendments are inconsistent with Ill. Rev. Stat. ch. 127 1/2, par. 154, which requires that the Fire Marshal adopt regulations and amendments that are 'identical in substance' to federal regulations" and that "the rules will create confusion even among those Illinois citizens attempting to comply." Illinois Power Company stated that the rules exceed the State Fire Marshal's authority, are inconsistent with federal regulations, and "are not identical in substance." The Office's adoption of four exempt rulemakings to date (13 Ill. Reg. 5689, April 21, 1989; 13 Ill. Reg. 7744, May 19, 1989; 13 Ill. Reg. 8515, June 2, 1989; 13 Ill. Reg. 8875, June 9, 1989), two of which were to correct omissions in filing material with the Secretary of State's Office, adoption of emergency rules (13 Ill. Reg. 1875 and 13 Ill. Reg. 1886, February 10, 1989) and proposal of permanent rules (13 Ill. Reg. 1754 and 13 Ill. Reg. 1756, February 10, 1989) regarding regulation of aboveground and underground storage tanks also creates confusion to the regulated public. Additional public comments concerning the above-referenced rulemakings were submitted by the Illinois Manufacturer's Association, Mobil Oil Corporation, Chemical Industries Council of Illinois, DuPage County Fire Chiefs Association, Growmark, Illinois Farm Bureau, Illinois Fire Inspectors Association, Stepan Company, Old Ben Coal Company, and Quantum Chemical Corporation.

Irrespective of the Office's confidence that the regulated community knows what it means, and its statement that the USEPA does not wish to inhibit the flexibility of the Illinois program, the Office's authority governing these rules is established by Section 2(b)(i) of the Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)), which states in relevant part:

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Within 120 days after the promulgation of regulations or amendments thereto by the Administrator of the United States Environmental Protection Agency... the Office of the State Fire Marshal shall adopt regulations or amendments thereto which are identical in substance (emphasis added).

Although the Act does not define the phrase "identical in substance", it should be noted that recent amendments to the Illinois Environmental Protection Act (IEPA) (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1007.2, as enacted by Public Act 85-1048, effective January 2, 1989), have clarified that phrase in the context of the Illinois Pollution Control Board's responsibilities. Section 7.2 of the IEPA states:

In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

- (1) The Board shall not adopt the equivalent of USEPA rules that are not applicable to persons or facilities in Illinois...
- (2) The Board shall not adopt rules prescribing things which are outside the Board's normal functions,....
- (3) If a USEPA rule prescribes the contents of a State regulation without setting forth the regulation itself, which would be an integral part of any regulation required to be adopted as an "identical in substance" regulation as defined in this Section, the Board shall adopt a regulation as prescribed, to the extent possible consistent with other relevant USEPA regulations and existing State law...
- (4), the Board may incorporate USEPA rules by reference where it is possible to do

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so without causing confusion to the affected public.

- (6) Wherever appropriate, the Board regulations shall reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of this Act and Section 5 of the Illinois Administrative Procedure Act.
- (7) The Board may correct apparent typographical and grammatical errors in USEPA rules.

Although the definition of "identical in substance" in Section 7.2 of the IEPA has not been made specifically applicable to the Board's regulations governing underground storage tanks under Section 22.4(d) of the IEPA, the definition is instructive to the Board for the purpose of determining what constitutes "identical in substance" in regard to rules implementing the Resource Conservation and Recovery Act. In the absence of a specific definition of "identical in substance" in the Act, it is appropriate that the State Fire Marshal look to other statutes for guidance in determining how "identical in substance" should be interpreted. Therefore, the recent amendments to the IEPA clarifying the phrase "identical in substance" should be given considerable weight in reviewing the Office's rules. The IEPA provisions quoted above indicate that the Board may make technical revisions and typographical corrections, is to avoid prescribing policies outside of its statutory functions or geographic territorial jurisdiction, and that its rules must not be in conflict with other relevant federal regulations and existing state law. The Office's rules fail to meet these criteria. The omission of definitions contained in the federal rules and that are relevant to implementation of the program at the State level is not a "technical change that in no way changes the scope or meaning of any portion of the regulations." Nor are the changes necessary for compliance with the Illinois Administrative Procedure Act, or "apparent typographical and grammatical errors."

The omission by the Office of some 40 percent of the key terms defined by the Administrator is most certainly not an adoption of rules which are identical in substance. Further, many terms that have been omitted are not minor technical provisions, but rather, are essential to an understanding by the regulated public of the regulatory provisions contained later in the rules. It would be difficult, for example, for

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those regulated to have a firm understanding of the Office's policies pertaining to remedial efforts required in the event of a release of substances from a UST (40 CFR 280, Subparts D, E, F) if the federal provisions defining "aboveground release", "belowground release" and "release detection" are not stated in the rules. The Office might be able to argue that some of the federal terms are not necessary. However, if that is the case, it should delete excessive text by means of amendatory rulemaking under the provisions of the IAPA, and not employ the exemption provided to it under Section 2(b)(i) of the Act (Ill. Rev. Stat. 1988 Supp., ch. 127, par. 154(b)(i)) to adopt rules which omit 40% of the provisions of companion federal rules. The Office is required to adopt rules that are identical in substance to federal regulations, but has failed to do so.

Therefore, the Joint Committee objects to Section 170.400 of the Office of the State Fire Marshal's adopted rulemaking entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because, by failing to promulgate as rules numerous definitions adopted by the United States Environmental Protection Agency (USEPA) (40 CFR 280.12, 53 Fed. Reg. 37195), the Office has failed to adopt rules "identical in substance" to those promulgated by the USEPA, in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils, and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)).

Objection 3

The Joint Committee objects to Sections 170.430(b)(1)(A), 170.430(b)(1)(B), and 170.430(b)(1)(C), (D) and (E) of the Office of the State Fire Marshal's adopted rulemaking entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because the rules prescribe requirements not required by the United States Protection Agency (USEPA) (40 CFR 280.21(b)), and thus are not "identical in substance" to rules promulgated by the USEPA, in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)).

Sections 170.430(b)(1)(A), (b)(1)(B), (C), (D) and (E) of the Office's adopted rules impose detailed requirements for lining of Underground Storage Tanks (USTs) required by the Office's rules to be upgraded.

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The Office's rules require compliance with procedures included in publications of the American Petroleum Institute (API) not appearing in the parallel federal regulations; adherence to various clothing, equipment and safety requirements not listed in the federal rules; procedures for entry into tanks, application of lining to tanks, sealing of tanks that have been opened; and impose requirements that tanks be inspected after lining and tank tightness tests which are not in the parallel federal regulations.

Section 7.07 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1007.07) authorizes the Joint Committee to "examine any rule for the purpose of determining whether the rule is within the statutory authority upon which it is based. . . ." The Office was asked to explain why it imposed a rigorous regulatory scheme on UST owners and operators for the lining of tanks when the USEPA has not included such provisions in its rules entitled "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)" (40 CFR 280). In response, the Office stated it adopted these requirements for safety reasons, that indeed the federal government was silent on such matters. The Office stated it had received no adverse comment concerning its inclusion of these safety standards in its rulemaking, that in fact, one firm requested that this material be included. The Office also argued that federal rules permitted the Office to be more stringent than the federal EPA.

The Office's belief that the regulated public is aware of what its rulemaking means and that it has not received adverse public comment must be examined in light of adverse public comment received by the Joint Committee. The Real Estate Consortium stated that it "believes that the amendments are inconsistent with Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154, which requires that the Fire Marshal adopt regulations and amendments that are 'identical in substance' to federal regulations" and that "the rules will create confusion even among those Illinois citizens attempting to comply." Illinois Power Company stated that the rules exceed the State Fire Marshal's authority, are inconsistent with federal regulations, and "are not identical in substance." The Office's adoption of four exempt rulemakings to date (13 Ill. Reg. 5669, April 21, 1989; 13 Ill. Reg. 7744, May 19, 1989; 13 Ill. Reg. 8515, June 2, 1989; 13 Ill. Reg. 8875, June 9, 1989), two of which were to correct omissions in filing material with the Secretary of State's Office, adoption of emergency rules (13 Ill. Reg. 1875 and 13 Ill. Reg. 1886, February 2, 1989) and proposal of permanent rules (13 Ill. Reg. 1754 and 13 Ill.

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Reg. 1756, February 2, 1989) regarding regulation of aboveground and underground storage tanks also creates confusion to the regulated public. Additional public comments concerning the above-referenced rulemakings were submitted by the Illinois Manufacturer's Association, Mobil Oil Corporation, Chemical Industries Council of Illinois, Dupage County Fire Chiefs Association, Growmark, Illinois Farm Bureau, Illinois Fire Inspectors Association, Stepan Company, Old Ben Coal Company, and Quantum Chemical Corporation.

Section 2(b)(1) of the Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(1)) states, in relevant part:

Within 120 days after the promulgation of regulations or amendments thereto by the Administrator of the United States Environmental Protection Agency... the Office of the State Fire Marshal shall adopt regulations or amendments thereto which are identical in substance (emphasis added). The rulemaking provisions of Section 5 of the Illinois Administrative Procedure Act shall not apply to regulations or amendments thereto adopted pursuant to this subparagraph (i).

If the Office wished to employ the above quoted statute to avail itself of the exemption provided to it from the notice period and Joint Committee second notice review provisions in Section 5 of the IAPA, then the subject matter of its rulemaking must be limited to regulations which are "identical in substance" to the federal rules promulgated by the Administrator of the EPA. That has not occurred in this instance.

Although the Act does not define the phrase "identical in substance", it should be noted that recent amendments to the Illinois Environmental Protection Act (IEPA) (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1007.2 as enacted by Public Act 85-1048, effective January 2, 1989), have clarified that phrase in the context of the Illinois Pollution Control Board's responsibilities. Section 7.2 of the IEPA states:

In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for

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compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

- (1) The Board shall not adopt the equivalent of USEPA rules that are not applicable to persons or facilities in Illinois
- (2) The Board shall not adopt rules prescribing things which are outside the Board's normal functions,...
- (3) If a USEPA rule prescribes the contents of a State regulation without setting forth the regulation itself, which would be an integral part of any regulation required to be adopted as an "identical in substance" regulation as defined in this Section, the Board shall adopt a regulation as prescribed, to the extent possible consistent with other relevant USEPA regulations and existing State law...
- (4) ..., the Board may incorporate USEPA rules by reference where it is possible to do so without causing confusion to the affected public.
- (6) Wherever appropriate, the Board regulations shall reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of this Act and Section 5 of the Illinois Administrative Procedure Act.
- (7) The Board may correct apparent typographical and grammatical errors in USEPA rules.

Although the definition of "identical in substance" in Section 7.2 of the IEPA has not been made specifically applicable to the Board's regulations governing underground storage tanks under Section 22.4 of the IEPA, the definition is instructive to the Board for the purpose of determining what constitutes "identical in substance" in regard to rules implementing the Resource Conservation and Recovery Act. In the absence of a

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specific definition of "identical in substance" in the Act, it is appropriate that the State Fire Marshal look to other statutes for guidance in determining how "identical in substance" should be interpreted. Therefore, the recent amendments to the IEPA clarifying the phrase "identical in substance" should be given considerable weight in reviewing the Office's rules. The IEPA provisions quoted above indicate that the Board may make technical revisions and typographical corrections, is to avoid prescribing policies outside of its statutory functions or geographic territorial jurisdiction, and that its rules must not be in conflict with other relevant federal regulations and existing state law. The Office's rules fail to meet these criteria. The inclusion of safety requirements, requirements for compliance with API code, entry and inspection procedures, and lining, sealing and tightness requirements that are not included in 40 CFR 80 does not constitute "technical changes that in no way change the scope or meaning of any portion of the regulations." Such changes expand the scope of the regulations and are considerably broader than changes that would be merely "technical."

The safety requirements prescribed in the Office's rules should have been adopted via rulemaking under Section 5 of the IAPA. Indeed, the subsequent paragraph to Section 2(b)(1) of the Act expressly provides for such rulemaking. That statute states, in relevant part:

The Office of the State Fire Marshal may adopt additional regulations relating to an underground storage tank program that are not inconsistent with and at least as stringent as Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, or regulations adopted thereunder... Regulations adopted pursuant to this subsection shall be adopted in accordance with the procedures for rulemaking in Section 5 of the Illinois Administrative Procedure Act (emphasis added). (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(ii)).

Thus, the Office could have adopted these safety requirements, but the Act expressly declares that these safety requirements must be adopted

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via normal rulemaking pursuant to Section 5 of the IAPA. The safety requirements adopted by the Office do not appear, at all, in the parallel federal regulations. Therefore, they cannot be "identical in substance," and the Office improperly invoked its exemption from Section 5 of the IAPA.

Therefore, the Joint Committee objects to Sections 170.430(b)(1)(A), 170.430(b)(1)(B), and 170.430(b)(1)(C), (D) and (E) of the Office of the State Fire Marshal's adopted rulemaking entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because the rules prescribe requirements not required by the United States Environmental Protection Agency (USEPA) (40 CFR 280.21(b)), and thus are not "identical in substance" to rules promulgated by the USEPA, in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)).

Objection 4

The Joint Committee objects to Section 170.620(d) of the Office of the State Fire Marshal's adopted rulemaking entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because, by requiring Underground Storage Tank (UST) owners to submit a request for an extension of the twelve month closure period and a required site assessment to the Office, the Office's rules are not identical in substance to companion federal regulations (40 CFR 280.70(c)) adopted by the United States Environmental Protection Agency (USEPA), which require that a site assessment be completed prior to application for an extension, in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)).

Section 170.620(d) of the Office's rules concerns application for a site assessment prior to permanent closure of a UST system. This is triggered if a UST is temporarily closed for more than 12 months. A site assessment is performed by measurement for the presence of release of contamination by means of vapor monitoring within the soil or ground-water testing.

Section 170.620(d) of the Office's rules, states, in relevant part:

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Owners and operators must remove the substandard UST systems at the end of this 12-month period in accordance with Sections 170.630 through 170.660, unless the Office of the State Fire Marshal provides in writing an extension of the 12-month temporary closure period. Owners and operators must complete a site assessment in accordance with Section 170.640 before such an extension can be applied for, and submit the request for an extension and the site assessment in writing (emphasis added) to the Office of the State Fire Marshal within that 12-month period.

The parallel federal regulation (40 CFR 280.70(c)) states:

Owners and operators must permanently close the substandard UST systems..., unless the implementing agency provides an extension of the 12-month temporary closure period. Owners and operators must complete a site assessment in accordance with Section 280.72 before such an extension can be applied for (emphasis added).

Section 7.07 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1007.07) authorizes the Joint Committee to "examine any rule for the purpose of determining whether it is within the statutory authority which it is based. . . ." The Office was asked to explain the apparent discrepancy between its rules, which require that a request for a site assessment be submitted with a request for extension, and federal rules, which require that a site assessment be conducted prior to a request for extension.

The Office confirmed that its rules direct applicants to apply for a site assessment (which is later to be performed by the applicants) at the time of application for extension. The Office explained that it wished to be notified of any site assessment about to be conducted in order to monitor that process and so as to alert the Illinois Environmental Protection Agency for corrective action by that agency if a release were detected.

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Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (the Act) (Ill. Rev. Stat. 1988, Supp., ch. 127 1/2, par. 154(b)(i)) states, in relevant part:

Within 120 days after the promulgation of regulations or amendments thereto by the Administrator of the United States Environmental Protection Agency..., the Office of the State Fire Marshal shall adopt regulations or amendments thereto which are identical in substance (emphasis added). The rulemaking provisions of Section 5 of the Illinois Administrative Procedure Act shall not apply to regulations or amendments thereto adopted pursuant to this subparagraph (i).

If the Office wished to employ the above quoted statute to avail itself of the exemption provided to it from the notice period and Joint Committee second notice review provisions in Section 5 of the IAPA, then the subject matter of its rulemaking must be limited to regulations which are "identical in substance" to the federal rules promulgated by the USEPA. The Office's imposition of a requirement that it approve applications for site assessments, rather than their being performed as a condition precedent to an application for extension, is clearly a provision not "identical in substance".

Although the Act does not define the phrase "identical in substance", it should be noted that recent amendments to the Illinois Environmental Protection Act (IEPA) (Ill. Rev. Stat. 1988, Supp., ch. 111 1/2, par. 1007.2 as enacted by Public Act 85-1048, effective January 2, 1989), have clarified that phrase in the context of the Illinois Pollution Control Board's responsibilities. Section 7.2 of the IEPA states:

In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

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(1) The Board shall not adopt the equivalent of USEPA rules that are not applicable to persons or facilities in Illinois

... (2) The Board shall not adopt rules prescribing things which are outside the Board's normal functions,...

(3) If a USEPA rule prescribes the contents of a State regulation without setting forth the regulation itself, which would be an integral part of any regulation required to be adopted as an "identical in substance" regulation as defined in this Section, the Board shall adopt a regulation as prescribed, to the extent possible consistent with other relevant USEPA regulations and existing State law...

(4) ..., the Board may incorporate USEPA rules by reference where it is possible to do so without causing confusion to the affected public.

(6) Wherever appropriate, the Board regulations shall reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of this Act and Section 5 of the Illinois Administrative Procedure Act.

(7) The Board may correct apparent typographical and grammatical errors in USEPA rules.

Although the definition of "identical in substance" in Section 7.2 of the IEPA has not been made specifically applicable to the Board's regulations governing underground storage tanks under Section 22.4(d) of the IEPA, the definition is instructive to the Board for the purpose of determining what constitutes "identical in substance" in regard to rules implementing the Resource Conservation and Recovery Act. In the absence of a specific definition of "identical in substance" in the Act, it is appropriate that the State Fire Marshal look to other statutes for guidance in determining how "identical in substance" should be interpreted. Therefore, the recent amendments to the IEPA clarifying the phrase "identical in substance" should be given considerable weight

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in the Office's rules. The IEPA provisions quoted above indicate that the Board may make technical revisions and typographical corrections, is to avoid prescribing policies outside of its statutory functions or geographic territorial jurisdiction, and that its rules must not be in conflict with other relevant federal regulations and existing state law. The Office's change in the requirement for submission of a site assessment is not a "technical change that in no way changes the scope or meaning of any portion of the regulations" (emphasis added).

If the Office wanted to prescribe such a provision, the Office would have to adopt such a requirement via rulemaking under Section 5 of the IAPA. Indeed, the subsequent paragraph to Section 2(b)(i) of the Act expressly provides for such rulemaking. That statute states, in relevant part:

The Office of the State Fire Marshal may adopt additional regulations relating to an underground storage tank program that are not inconsistent with and at least as stringent as Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, or regulations adopted thereunder... Regulations adopted pursuant to this subsection shall be adopted in accordance with the procedures for rulemaking in Section 5 of the Illinois Administrative Procedure Act (emphasis added), (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(ii)).

The Office might have been able to adopt its rule, but the Act expressly declares that these requirements must be adopted via normal rulemaking pursuant to Section 5 of the IAPA.

Therefore, the Joint Committee objects to Section 170.620(d) of the Office of the State Fire Marshal's adopted rulemaking entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because, by requiring Underground Storage Tank (UST) owners to submit a request for an extension of the twelve month closure period and a required site assessment to the Office, the Office's rules are not identical in substance

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to companion federal regulations (40 CFR 280.70(c)) adopted by the United States Environmental Protection Agency (USEPA), which require that a site assessment be completed prior to application for an extension, in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (Ill. Rev. Stat. 1988, Supp., ch. 127 1/2, par. 154(b)(i)).

Objection 5

The Joint Committee objects to Sections 170.460(b)(2), 170.480(a)(2) and 170.480(a)(4)(A) of the Office of the State Fire Marshal's adopted rulemaking entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because, by prescribing codes or standards not included in parallel federal regulations (40 CFR 280.33(b)) pertaining to piping of Underground Storage Tank (UST) systems, fiber glass-reinforced plastic tanks and "tightness testing", the Office's rules are not "identical in substance" to rules promulgated by the Administrator of the United States Environmental Protection Agency (USEPA), in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)).

Section 170.460(b)(2) of the Office's rules requires UST owners to comply with an industry standard (the National Association of Corrosion Engineers (NACE) Standard Recommended Practice RPO169-83, regarding inspection criteria concerning the adequacy of cathodic protection, a scientific technique to reduce the corrosive effects of electrical fields on a UST or piping, which is not listed in the parallel federal regulations at 40 CFR 280. Section 170.480(a)(2) states that repairs to fiberglass-reinforced plastic tanks may be made in accordance with two industry codes, the American National Standards Institute (ANSI) Z117.1 or the American Petroleum Institute (API) Recommended Practice 1631, not listed in the companion federal regulations. The parallel federal regulation (40 CFR 280.33(b)) states repairs to fiberglass tanks may be made by a manufacturer's representative or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory. Section 170.480(a)(4)(A) states two codes, ANSI Z117.1 or API Recommended Practice 1631, that will satisfy the Office's inspection requirements and "tightness testing" requirements for repaired tanks and piping. The companion federal regulation (40 CFR 280.33(d)(1)), on the other hand, requires that a tank be

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internally inspected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory.

Section 7.07 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1007.07) authorizes the Joint Committee to "examine any rule for the purpose of determining whether it is within the statutory authority upon which it is based. . . ." The Office was asked to comment on the above cited discrepancies between its rules and those adopted by the USEPA, and to explain how its rules could be viewed as being "identical in substance" with the federal rules. The Office reported that Section 170.460(b)(2)'s added code pertains to piping and that since both the federal and state rules (40 CFR 280.12 and 41 Ill. Adm. Code 170.400(j)) define a UST as including piping, it was compelled to provide a standard by which the regulated class would be made aware of the specifications for compliance. The Office reported that the codes stated in Sections 170.480(a)(2) and (a)(4)(A) are the codes developed by a "nationally recognized association" that the federal rules state may be employed by UST owners to achieve compliance with the federal regulations.

If the Office wished to employ Section 2(b)(i) of the Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(i)) to avail itself of the exemption provided to it from the notice period and Joint Committee second notice review provisions in Section 5 of the IAPA, then the subject matter of its rulemaking must be limited to regulations which are "identical in substance" to the federal rules promulgated by the USEPA. That has not occurred in this instance.

Although the Act does not define the phrase "identical in substance", it should be noted that recent amendments to the Illinois Environmental Protection Act (IEPA) (Ill. Rev. Stat. 1988, Supp., ch. 111 1/2, par. 1007.2 as enacted by Public Act 85-1048, effective January 2, 1989), have clarified that phrase in the context of the Illinois Pollution Control Board's responsibilities. Section 7.2 of the IEPA states:

In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

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(1) The Board shall not adopt the equivalent of USEPA rules that are not applicable to persons or facilities in Illinois

... (2) The Board shall not adopt rules prescribing things which are outside the Board's normal functions,...

(3) If a USEPA rule prescribes the contents of a State regulation without setting forth the regulation itself, which would be an integral part of any regulation required to be adopted as an "identical in substance" regulation as defined in this Section, the Board shall adopt a regulation as prescribed, to the extent possible consistent with other relevant USEPA regulations and existing State law....

(4) ..., the Board may incorporate USEPA rules by reference where it is possible to do so without causing confusion to the affected public.

... (6) Wherever appropriate, the Board regulations shall reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of this Act and Section 5 of the Illinois Administrative Procedure Act.

(7) The Board may correct apparent typographical and grammatical errors in USEPA rules.

Although the definition of "identical in substance" in Section 7.2 of the IEPA has not been made specifically applicable to the Board's regulations governing underground storage tanks under Section 22.4(d) of the IEPA, the definition is instructive to the Board for the purpose of determining what constitutes "identical in substance" in regard to rules implementing the Resource Conservation and Recovery Act. In the absence of a specific definition of "identical in substance" in the Act, it is appropriate that the State Fire Marshal look to other statutes for guidance in determining how "identical in substance" should be interpreted. Therefore, the recent amendments to the IEPA clarifying the phrase "identical in substance" should be given considerable weight

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in examining the interpretation of the same phrase with respect to the Office's rules. The IEPA provisions quoted above indicate that the Board may make technical revisions and typographical corrections, is to avoid prescribing policies outside of its statutory functions or geographic territorial jurisdiction, and that its rules must not be in conflict with other relevant federal regulations and existing state law. The requirements for compliance with nationally recognized codes in the rules exceeds the criterion of a "technical change that in no way changes the scope or meaning of any portion of the regulations."

Furthermore, the Joint Committee has received public comment that indicates the regulated public is confused by this rulemaking and that the Office's rules are not identical in substance. Comments received from numerous regulated entities indicated that the Office's rules caused concerns that "inventory control and tank tightness testing could not be used as an interim method of release detection for large heating oil tanks", and that large tanks would have to be removed under the Office's rules because the interim method of release detection and upgrading options are not technically feasible for large heating oil tanks. The Office's adoption of four exempt rulemakings to date (13 Ill. Reg. 5669, April 21, 1989; 13 Ill. Reg. 7744, May 19, 1989; 13 Ill. Reg. 8515, June 2, 1989; 13 Ill. Reg. 8875, June 9, 1989), two of which were to correct omissions in filing material with the Secretary of State's Office, adoption of emergency rules (13 Ill. Reg. 1875 and 13 Ill. Reg. 1886, February 10, 1989) and proposal of permanent rules (13 Ill. Reg. 1754 and 13 Ill. Reg. 1756, February 10, 1989) regarding regulation of aboveground and underground storage tanks also creates confusion to the regulated public.

Although the codes prescribed in the Office's rules may serve its program objectives, the Office would have to adopt such requirements via rulemaking under Section 5 of the IAPA. Indeed, the subsequent paragraph to the above cited statute expressly provides for such rulemaking. That statute states, in relevant part:

The Office of the State Fire Marshal may adopt additional regulations relating to an underground storage tank program that are not inconsistent with and at least as stringent as Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616 of the Resource Conservation and Recovery Act of 1976 (P.L.

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94-580), as amended, or regulations adopted thereunder... Regulations adopted pursuant to this subsection shall be adopted in accordance with the procedures for rulemaking in Section 5 of the Illinois Administrative Procedure Act (emphasis added), (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 154(b)(ii)).

Thus, the Office could have adopted these requirements, but the Act expressly declares that those requirements must be adopted via normal rulemaking pursuant to Section 5 of the IAPA. The codes adopted by the Office do not appear in the parallel federal regulations. Therefore, they cannot be "identical in substance" and the Office improperly invoked its exemption from Section 5 of the IAPA.

Therefore, the Joint Committee objects to Sections 170.460(b)(2), 170.480(a)(2) and 170.480(a)(4)(A) of the Office of the State Fire Marshal's adopted rulemaking entitled "Storage, Transportation, Sale and Use of Petroleum and Other Substances" (41 Ill. Adm. Code 170; 13 Ill. Reg. 5669) because, by prescribing codes or standards not included in parallel federal regulations (40 CFR 280.33(b)) pertaining to piping of Underground Storage Tank (UST) systems, fiber glass-reinforced plastic tanks and "tightness testing", the Office's rules are not "identical in substance" to rules promulgated by the Administrator of the United States Environmental Protection Agency (USEPA), in violation of Section 2(b)(i) of "AN ACT to regulate the storage, transportation, sale and use of gasoline, volatile oils and other regulated substances" (Ill. Rev. Stat. 1988, Supp., ch. 127 1/2, par. 154(b)(i)).

8875669

STATEMENT OF OBJECTION TO PEREMPTORY RULEMAKING
DEPARTMENT OF TRANSPORTATION

Heading of Part: Relocation Assistance and Payments Program

Code Citation: 92 Ill. Adm. Code 518

Section Numbers:	518.10	518.15	518.20	518.100
	518.105	518.110	518.115	518.120
	518.125	518.130	518.135	518.140
	518.145	518.200	518.300	518.305
	518.310	518.315	518.320	518.400
	518.405	518.410	518.415	518.420
	518.500	518.505	518.600	518.700
	518.705	518.710	518.715	518.720
	518.725	518.730	518.735	518.740
	518.745	518.750	518.800	518.805
	518.810	518.815	518.820	518.825
	518.830	518.835	518.840	518.845
	518.850	518.855	518.860	518.865
	518.870	518.875	518.900	518.905
	518.910	518.915	518.920	518.925
	518.1000	518.1005	518.2000	518.2005
	518.2010	518.3000	518.3005	518.3005
	518.3010	518.4000	518.4005	518.4010
	518.4015	518.4020	518.4025	518.4030
	518.4035	518.4040	518.4045	518.4059
	518.4055	518.4060	518.4065	518.4070
	518.4075	518.4080	518.4085	518.4090
	518.4095	518.4100	518.5000	518.Exhibit A

Date Originally Published in Illinois Register: May 5, 1989
13 Ill. Reg. 7057

At its meeting on July 28, 1989, the Joint Committee on Administrative Rules objected to the above preemptory rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the Department of Transportation's preemptory rulemaking entitled "Relocation Assistance and Payments Program;" 92 Ill. Adm. Code 518, because the Department's use of preemptory rulemaking in April, 1989, violated Section 5.03 of the Illinois Administrative Procedure Act in that much of the rulemaking was

STATEMENT OF OBJECTION TO PEREMPTORY RULEMAKING
DEPARTMENT OF TRANSPORTATION
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not required under conditions which precluded the use of general rulemaking procedures.

Part 518 was promulgated to establish the Illinois Department of Transportation's (IDOT) rules entitled, "Relocation Assistance and Payments Program;" 92 Ill. Adm. Code 518, concerning the prompt and equitable relocation and reestablishment of persons, businesses, farming operations and nonprofit organizations displaced by the acquisition of rights-of-way for State highway construction projects. The Part establishes procedures for relocation services, moving cost payments, replacement housing cost payments, and other expenses to mitigate the injury suffered by such displacement.

IDOT promulgated these preemptory rules in order to adopt federal rules concerning relocation assistance. The deadline for revision of the Department's relocation assistance policies and procedures manual to conform with these federal regulations was April 2, 1989. The amendments to the federal rules were triggered by 1987 Amendments to the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (the Uniform Act). The amendments to federal law also necessitated an amendment to state law so that Illinois could comply with the federal requirements (P.A. 85-1407).

Until the adoption of this preemptory rulemaking, the Department never had rules governing relocation assistance. The Department had a policies and procedures manual. It was initially adopted in 1971. When the Department prepared to revise this manual to conform with the recent federal regulations, it determined that this manual should be promulgated as rules. The Department decided to adopt the manual by use of preemptory rulemaking.

Section 5.03 of the IAPA states "peremptory rulemaking" means any rulemaking which is required as a result of federal law, federal rules and regulations, or an order of a court, under conditions which preclude compliance with general rulemaking requirements imposed by Section 5.01 and which preclude the exercise of discretion by the agency as to the content of the rule it is required to adopt.... A rule adopted under the preemptory rulemaking provisions of this Section becomes effective immediately upon filing with the Secretary of State and in the agency's principal office, or at a date required or authorized by the relevant federal law, federal rules and regulations, or court order, as stated in the notice of rulemaking... The agency shall file the notice of preemptory rulemaking within 30 days after a change in rule is required."

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The Department was asked what conditions precluded use of the general rulemaking procedures of Section 5.01 of the IAPA. The Department stated that the two 45-day notice periods required for rules to be adopted under general rulemaking procedures would have made completion of rulemaking impossible with the time available between adoption of final federal rules (March 2, 1989) and the required date of State compliance (April 2, 1989). The Department was asked why it did not propose rules based on the proposed federal rules and then finalize its rule after adoption of the federal rules. The Department responded that publishing State proposed rules prior to the final federal rule publication would have resulted in inconsistencies and confusion in the implementation and administration of the relocation assistance program.

The Department's explanation is unpersuasive. The primary reason that the Department had to quickly adopt all of Part 518 through the use of peremptory rulemaking is its failure to ever adopt its policies as rules. The Department's determination in March 2, 1989 that this subject matter was indeed rules, rather than sometime during the fourteen years since the IAPA became law, required that the Department use the peremptory procedures rather than the Section 5.01 general rulemaking procedures. While there are certainly elements of this rulemaking that could have been validly adopted through the use of peremptory rulemaking, much of this rulemaking should have been adopted long ago.

Therefore, the Joint Committee objects to the Department of Transportation's peremptory rulemaking entitled "Relocation Assistance and Payments Program;" 92 Ill. Adm. Code 518, because the Department's use of peremptory rulemakings in April, 1989, violated Section 5.03 of the Illinois Administrative Procedure Act in that much of the rulemaking was not required under conditions which precluded the use of general rulemaking procedures.

88507057

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATE OF ILLINOIS CENTER

ROOM 16-503
CHICAGO, ILLINOIS
10:00 A.M.
AUGUST 24, 1989

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street
Room 500
Springfield, Illinois 62701

AGENDA

- I. Approval of July 28, 1989 Minutes
- II. Review of Proposed Agency Rulemaking

Department of Children and Family Services

1. Research Involving Children and Families; 89 Ill. Adm. Code 432
-First Notice Published: 13 Ill. Reg. 5225 - 4-21-89
-Expiration of Second Notice Period: 9-4-89

Department of Commerce and Community Affairs

2. Economic Dislocation and Worker Adjustment Assistance; 56 Ill. Adm. Code 2625
-First Notice Published: 13 Ill. Reg. 3513 - 3-24-89
-Expiration of Second Notice Period: 8-14-89
3. Service Delivery System and State Responsibilities; 56 Ill. Adm. Code 2600
-First Notice Published: 13 Ill. Reg. 3515 - 3-24-89
-Expiration of Second Notice Period: 8-14-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

4. Service Delivery System and State Responsibilities; 56 Ill. Adm. Code 2600
-First Notice Published: 13 Ill. Reg. 4331 - 4-7-89
-Expiration of Second Notice Period: 8-14-89

Department of Conservation

5. Dog Training on Non-Department Owned or-Managed Lands; 17 Ill. Adm. Code 960
-First Notice Published: 13 Ill. Reg. 7517 - 5-19-89
-Expiration of Second Notice Period: 8-24-89

6. The Taking of Wild Turkeys-Fall Gun Season; 17 Ill. Adm. Code 715
-First Notice Published: 13 Ill. Reg. 7854 - 5-26-89
-Expiration of Second Notice Period: 8-27-89

7. Duck, Goose and Coot Hunting; 17 Ill. Adm. Code 590
-First Notice Published: 13 Ill. Reg. 8189 - 6-2-89
-Expiration of Second Notice Period: 9-4-89

8. Possession of Specimens or Products of Endangered or Threatened Species; 17 Ill. Adm. Code 1070
-First Notice Published: 13 Ill. Reg. 8741 - 6-9-89
-Expiration of Second Notice Period: 9-11-89

Environmental Protection Agency

9. Procedures for Operation of the Non-Hazardous Solid Waste Fee System; 35 Ill. Adm. Code 858
-First Notice Published: 12 Ill. Reg. 17599 - 11-4-88
-Expiration of Second Notice Period: 9-4-89

Experimental Organ Transplant Procedures Board

10. Transplantation Program; 77 Ill. Adm. Code 2800
-First Notice Published: 13 Ill. Reg. 6856 - 5-5-89
-Expiration of Second Notice Period: 9-1-89

Department of Financial Institutions

11. Illinois Credit Union Act; 38 Ill. Adm. Code 190
First Notice Published: 13 Ill. Reg. 4107 - 3-31-89
-Expiration of Second Notice Period: 9-18-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Board of Governors of State Colleges and Universities

12. Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois and the Board of Trustees of Southern Illinois University; Procurement Bidding; 44 Ill. Adm. Code 530
-First Notice Published: 13 Ill. Reg. 2648 - 3-3-89
-Expiration of Second Notice Period: 9-21-89

Department of Nuclear Safety

13. Accrediting Persons in the Practice of Medical Radiation Technology; 32 Ill. Adm. Code 401
-First Notice Published: 13 Ill. Reg. 982 - 1-27-89
-Expiration of Second Notice Period: 9-1-89

Pollution Control Board

14. Sewer Discharge Criteria; 35 Ill. Adm. Code 307
-First Notice Published: 13 Ill. Reg. 7530 - 5-19-89
-Expiration of Second Notice Period: 9-8-89

15. Water Use Designations and Site-Specific Water Quality Standards; 35 Ill. Adm. Code 303
-First Notice Published: 13 Ill. Reg. 7863 - 5/26/89
-Expiration of Second Notice Period: 9-11-89

Department of Professional Regulation

16. The Nursing Home Administrators Licensing Act; 68 Ill. Adm. Code 1310
-First Notice Published: 12 Ill. Reg. 14938 - 9-23-88
-Expiration of Second Notice Period: 9-4-89

17. Barber, Cosmetology and Esthetics Act of 1985, the; 68 Ill. Adm. Code 1175
-First Notice Published: 13 Ill. Reg. 7185 - 5-12-89
-Expiration of Second Notice Period: 9-11-89

18. Dental Practice Act; 68 Ill. Adm. Code 1220
-First Notice Published: 13 Ill. Reg. 5398 - 4-21-89
-Expiration of Second Notice Period: 9-11-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Property Tax Appeal Board

19. Procedures; 86 Ill. Adm. Code 1910
-First Notice Published: 13 Ill. Reg. 8790 - 1-9-89
-Expiration of Second Notice Period: 9-11-89

Department of Public Aid

20. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147

-First Notice Published: 13 Ill. Reg. 3562 - 3-24-89
-Expiration of Second Notice Period: 8-14-89

21. Child Support Enforcement; 89 Ill. Adm. Code 160

-First Notice Published: 13 Ill. Reg. 7867 - 5-26-89
-Expiration of Second Notice Period: 8-25-89

22. Drug Manual; 89 Ill. Adm. Code 141

-First Notice Published: 13 Ill. Reg. 7873 - 5-26-89
-Expiration of Second Notice Period: 8-25-89

23. Medical Payment; 89 Ill. Adm. Code 140

-First Notice Published: 13 Ill. Reg. 2937 - 3-10-89
-Expiration of Second Notice Period: 8-31-89

24. Rules of Practice in Administrative Hearings; 89 Ill. Adm. Code 104

-First Notice Published: 13 Ill. Reg. 2958 - 3-10-89
-Expiration of Second Notice Period: 8-31-89

25. Medical Payment; 89 Ill. Adm. Code 140

-First Notice Published: 13 Ill. Reg. 5465 - 4-21-89
-Expiration of Second Notice Period: 9-4-89

26. Medical Payment; 89 Ill. Adm. Code 140

-First Notice Published: 13 Ill. Reg. 7546 - 5-19-89
-Expiration of Second Notice Period: 9-11-89

27. Medical Assistance Program; 89 Ill. Adm. Code 120

-First Notice Published: 13 Ill. Reg. 9250 - 6-16-89
-Expiration of Second Notice Period: 9-15-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Department of Public Health

28. Illinois Plumbing Code; 77 Ill. Adm. Code 890
-First Notice Published: 13 Ill. Reg. 4543 - 4-7-89
-Expiration of Second Notice Period: 8-14-89

29. Certificate of Need for Health Maintenance Organizations, Repeal of; 77 Ill. Adm. Code 1150

-First Notice Published: 13 Ill. Reg. 5580 - 4-21-89
-Expiration of Second Notice Period: 8-21-89

30. Illinois Alzheimer's Disease and Related Disorders Assistance Code; 77 Ill. Adm. Code 710

-First Notice Published: 13 Ill. Reg. 6913 - 5-5-89
-Expiration of Second Notice Period: 9-1-89

31. Ambulatory Surgical Treatment Center Licensing Requirements; 77 Ill. Adm. Code 205

-First Notice Published: 12 Ill. Reg. 22345 - 12-30-88
-Expiration of Second Notice Period: 9-1-89

Department of Public Health/Health Facilities Planning Board

32. Processing, Classification Policies and Review Criteria; 77 Ill. Adm. Code 1110

-First Notice Published: 13 Ill. Reg. 5619 - 4-21-89
-Expiration of Second Notice: 9-1-89

33. Narrative and Planning Policies; 77 Ill. Adm. Code 1100

-First Notice Published: 13 Ill. Reg. 5596 - 4-21-89
-Expiration of Second Notice Period: 9-1-89

Board of Regents

34. Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois and the Board of Trustees of Southern Illinois University; Procurement and Bidding; 44 Ill. Adm. Code 525

-First Notice Published: 13 Ill. Reg. 2709 - 3-3-89
-Expiration of Second Notice Period: 9-21-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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35. Procurement from Minority and Female Owned Business Enterprises;
44 Ill. Adm. Code 526
-First Notice Published: 13 Ill. Reg. 2746 - 3-3-89
-Expiration of Second Notice Period:

Secretary of State

36. Procedures and Standards; 92 Ill. Adm. Code 1001
-First Notice Published: 13 Ill. Reg. 7229 - 5-12-89
-Expiration of Second Notice: 8-17-89

State Universities Civil Service System

37. State Universities Civil Service System; 80 Ill. Adm. Code 250
-First Notice Published: 13 Ill. Reg. 1921 - 2-17-89
-Expiration of Second Notice Period: 8-24-89

Board of Trustees of Southern Illinois University

38. Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois and the Board of Trustees of Southern Illinois University: Procurement and Bidding; 44 Ill. Adm. Code 540
-First Notice Published: 13 Ill. Reg. 2764 - 3-3-89
-Expiration of Second Notice Period: 9-21-89

Board of Trustees of the University of Illinois

39. Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois and the Board of Trustees of Southern Illinois University: Procurement and Bidding; 44 Ill. Adm. Code 535
-First Notice Published: 13 Ill. Reg. 2766 - 3-3-89
-Expiration of Second Notice Period: 9-21-89

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Central Management Services

40. Pay Plan; 80 Ill. Adm. Code 310 (Emergency)
-Notice Published: 13 Ill. Reg. 10967 - 7-7-89
41. Pay Plan; 80 Ill. Adm. Code 310 (Emergency)
-Notice Published: 13 Ill. Reg. 11854 - 7-14-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Department of Employment Security

42. Administrative Hearings and Appeals; 56 Ill. Adm. Code 2725 (Emergency)
-Notice Published: 13 Ill. Reg. 11872 - 7-14-89
43. Claims, Adjudication, Appeals and Hearings; 56 Ill. Adm. Code 2720 (Emergency)
-Notice Published: 13 Ill. Reg. 11890 - 7-14-89
44. Payment of Unemployment Contributions, Interest and Penalties; 56 Ill. Adm. Code 2765 (Emergency)
-Notice Published: 13 Ill. Reg. 11911 - 7-14-89
45. Disqualifying Income and Reduced Benefits; 56 Ill. Adm. Code 2920 (Emergency)
-Notice Published: 13 Ill. Reg. 11899 - 7-14-89

Department of Public Aid

46. Drug Manual; 89 Ill. Adm. Code 141 (Emergency)
-Notice Published: 13 Ill. Reg. 10700 - 6-30-89
47. Medical Payment; 89 Ill. Adm. Code 140 (Emergency)
-Notice Published: 13 Ill. Reg. 10977 - 7-7-89
48. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147 (Emergency)
-Notice Published: 13 Ill. Reg. 10999 - 7-7-89
49. Medical Assistance; 89 Ill. Adm. Code 120 (Emergency)
-Notice Published: 13 Ill. Reg. 11929 - 7-14-89
50. Medical Assistance Programs; 89 Ill. Adm. Code 120 (Emergency)
-Notice Published: 13 Ill. Reg. 12137 - 7-21-89

Secretary of State

51. Regulations Under the Illinois Securities Law of 1953; 14 Ill. Adm. Code 130 (Emergency)
-Notice Published: 13 Ill. Reg. 11017 - 7-7-89

V. Incorporation by Reference

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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VI. Agency Responses to Joint Committee Statements of Objection

Department on Aging

52. Community Care Program; 89 Ill. Adm. Code 240
 -First Published: 12 Ill. Reg. 10821 - 7-1-89
 -Objection Date: 6-6-89
 -Response: Refusal

Illinois Commerce Commission

53. Fees and Taxes; 92 Ill. Adm. Code 1205
 -First Published: 13 Ill. Reg. 1665 - 2-10-89
 -Objection Date: 6-6-89
 -Response: Refusal

Department of Conservation

54. The Taking of Wild Turkeys-Spring Season; 17 Ill. Adm. Code 710
 -First Published: 12 Ill. Reg. 20993 - 12-23-88
 -Objection Date: 4-5-89
 -Response: Failure to Respond

Environmental Protection Agency

55. Procedures for Issuing Loans from the Water Pollution Control Revolving Fund; 35 Ill. Adm. Code 365
 -First Published: 12 Ill. Reg. 18030 - 11-14-88
 -Objection Date: 4-5-89
 -Response: Failure to Respond

Office of the State Fire Marshal

56. Storage, Transportation, Sale and Use of Gasoline and Volatile Oils; 41 Ill. Adm. Code 180 (Emergency)
 -First Published: 13 Ill. Reg. 1875 - 2-10-89
 -Objection Date: 4-5-89
 -Response: Failure to Respond

Illinois Housing Development Authority

57. Mortgage Credit Certificates; 47 Ill. Adm. Code 360
 -First Published: 12 Ill. Reg. 19603 - 11-28-88
 -Objection Date: 5-9-89
 -Response: Withdrawal

Pollution Control Board

58. General Rules; 35 Ill. Adm. Code 101
 -First Published: 12 Ill. Reg. 14822 - 9-23-88
 -Objection Date: 5-9-89
 -Response: Refusal

Department of Professional Regulation

59. Medical Practice Act of 1987; 68 Ill. Adm. Code 1285
 -First Published: 13 Ill. Reg. 651 - 1-13-89
 -Objection Date: 3-1-89
 -Response: Failure to Respond

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 31, 1989 through August 4, 1989 and have been scheduled for review by the Committee at its August 24, 1989 meeting or September, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its August or September meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
9/15/89	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	6/16/89 13 Ill. Reg. 9250	August 24, 1989
9/18/89	Department of Public Health, College Immunization Code (77 Ill. Adm. Code 694)	4/21/89 13 Ill. Reg. 5491	September

PROCLAMATION

89-354

Establishes A Honey Bee Quarantine

WHEREAS, Varroa jacobsoni is a parasitic mite which exists on honey bees; and

WHEREAS, already found in 10 Illinois counties, this organism spreads rapidly and can eventually kill entire colonies of bees, greatly disabling the beekeeping industry of Illinois and all states; and

WHEREAS, illegal or unknowing transportation of bees between counties and states can result in considerable economic loss and damage to the beekeeping industry and the services this industry provides to Illinois agriculture; and

WHEREAS, the Illinois Department of Agriculture will undertake all necessary measures to prevent the spread of Varroa jacobsoni, and anyone with information regarding this pest should contact the department as soon as possible;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, under the authority conferred by the Illinois Bees and Apiaries Act (Ill. Rev. Stat. 0987, Ch. 8, par. 023 et. seq.), do hereby establish a honey bee quarantine at the boundaries of Illinois, effective immediately as of this date of the Twenty-sixth of July, 1989.

PROCLAMATION

89-355

American Energy Awareness Month

*"Energy Builds A Better America"**--1989 Theme*

WHEREAS, the wise use of energy and energy producing resources is the foundation of future economic prosperity for our society; and

WHEREAS, the proper use of coal, water, natural gas, petroleum products and alternative energy sources comprises a highly complex set of issues that are of paramount importance to every citizen; and

WHEREAS, consensus regarding proper use is not easily reached; however, all involved agree that practicing energy conservation and promoting alternative energy including the use of ethanol-blended fuels is most desirable and beneficial; and

WHEREAS, institutions, government, businesses, and individual citizens alike must cooperate to achieve meaningful savings in both energy use and dollars to ameliorate the burden of rising costs of energy; and

WHEREAS, such cooperative efforts are beginning to have an impact on our energy-use habits and to demonstrate reduced energy consumption;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1989 as AMERICAN ENERGY AWARENESS MONTH in Illinois in conjunction with the national observance. It is important for all citizens to be aware of the necessity of conserving energy for our mutual benefit.

Issued July 31, 1989. Filed August 7, 1989.

PROCLAMATION

89-356

Letter Carrier Day

WHEREAS, The National Association of Letter Carriers (NALC) is celebrating its centennial in 1989, and this year marks 100 years of "Delivering For America"; and

WHEREAS, as part of the year-long centennial celebration, a giant three-foot by five-foot envelope will go on a six-month, 37,654-mile journey to all 50 states and Puerto Rico, starting in March in Washington, D.C., and ending in August in Milwaukee, Wisconsin; and

WHEREAS, at each stop NALC officials from throughout the state will join with local Postal Service officials and government, civic and labor leaders in observing the centennial, and a special postmark will be added to the envelope at each location; and

WHEREAS, the Centennial Envelope will be at the Main Post Office Building in Chicago on Monday, August 7th; and

WHEREAS, when completed, this envelope will represent the partnership by NALC's membership and the Postal Service that has allowed our nation's mail delivery system to be the most efficient and cost-effective in the world;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim August 7th, 1989, as LETTER CARRIER DAY in Illinois.

Issued August 4, 1989. Filed August 7, 1989.

ACTION CODES

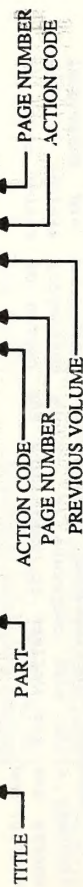
A – Adopted Rule
AR – Adopted Repealer
C – Notice of Correction
CC – Codification Change
E – Emergency Rule
ER – Emergency Repealer
M – Modification
O – JCAR Statement

- P – Proposed Rule
- PF – Prohibited Filing Ordered by ICAR
- PP – Preliminary or Court ordered Rules
- PR – Proposed Repealer
- R – Refusal to meet ICAR objection
- RC – Statement of Recommendation
- S – Suspension ordered by ICAR
- W – Withdrawal to meet ICAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85: A-6818)



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC QUESTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 82-9786.

AGING, DEPARTMENT ON

Community Care Program (P-685) (P-10821/88; O-9594; R-11956; A-11193)
Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054) (P-13119)

AGRICULTURE, DEPARTMENT OF

- Agricultural Facilities (P-2571)
- Animal Diagnostic Laboratory Act (P-19153/88; A-3617)
- Animal Welfare Act (P-19164/88; A-3628)
- Bovine Brucellosis (P-19172/88; A-3636)
- Definitions (P-19178/88; W-2166)
- Diseased Animals (P-19185/88; A-3642)
- Farm Land Preservation Act (P-14786/88; A-285) (P-2598; A-10489) (P-17139/88; A-3653)
- Grain Dealers (P-19795/88; A-3665)
- III. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)
- III. Dead Animal Disposal Act (P-19201/88; A-3681)
- III. Pseudorabies Control Act (P-19218/88; A-3685)
- III. Seed Law (P-3511; A-10499) (E-4015)
- III. Livestock Dealer Licensing (P-19205/88; A-3690)
- Meat & Poultry Inspection Act (PP-228) (PP-2160) (P-19211/88; A-3696)
- Organizational Chart, Description, Rulemaking Procedure, & Programs (A-5066)
- Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)
- Swine Disease Control & Eradication Act (P-20309/88; A-3715)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

Driving Under the Influence Programs (P-22265/88; A-7274)

ATTORNEY GENERAL

Retail Advertising (P-15239/88; A-11441)

AUDITOR GENERAL

Code Regulations (P-11983)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Loan Agreements Providing for a Bank to Share in Profits, Income or Earnings (P-12163)
Powers Incidental & Germane to Carrying on a General Banking Business (P-3737)
Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

CAPITAL DÉVELOPMENT BOARD

Procurement Practices (P-1917; A-8403)
Standards for Award of Grants Elementary
(P-1283; A-6973)

CARNIVAL-AMUSEMENT SAFETY BOARD

Carnival & Amusement Ride Inspection Law (P-7845) (E-8025)

CENTRAL MANAGEMENT SERVICES. DEPARTMENT OF

Day Care (P-19223/88; A-4644)
 Debt & Fitness (P-1639; A-12970) (P-15813/88; A-3722) (P-10569/88; A-10320)
 Employment (P-20534/88; R-1254) (P-1296; A-8849) (P-2892; A-11451) (P-80480)
 Family Plan (P-20534/88; R-1254) (P-1296; A-8849) (P-2892; A-11451) (P-80480)
 (PP-8970; C-12647) (E-10967) (P-11117) (E-11854) (PP-12887)
 Service-Connected Disability Benefit Administration (P-10285/88; A-2402) (P-683/3)
 Solicitation for Charitable Payroll Deductions (P-6871/88; E-1256; R-3411; A-3330)
 State of Ill. Dependent Care Assistance Plan (P-1; A-9259) (E-214)
 State Vehicles & Garage (P-4071)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Administration & Funding of Community-Based Services to Youth (P-11915/88; A-6986)
 Background Checks (P-13744/88; A-5917)
 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)
 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414; R-7483; A-7308)
 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)
 Licensing Standards for Group Day Care Homes (P-13757/88; O-13277)
 Purchase of Service (P-13807/88; A-3344)
 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)
 Research Involving Children & Families (P-5725)
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CIVIL SERVICE SYSTEM STATE UNIVERSITIES

State Universities Civil Service System (P-1921) (P-17569/88; A-7324)

COLLEGES AND UNIVERSITIES. BOARD OF GOVERNORS OF STATE

Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)
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92 Ill. Adm. Code 1205 Fees & Taxes (P-1665; O-9597; R-11957; A-11460)
92 Ill. Adm. Code 1605 Hazardous Materials (P-12673)
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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724)) The codes for both columns are listed below. For a complete listing of the Title of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am = amendment to existing Section	A = Adopted rule	O = JCAR Objection	
cc = codification changes	C = Correction	P = Proposed rule	
n = new Section	CC = Codification Changes	PF = Prohibited Filing	
r = repeal of existing Section	E = Emergency rule	PP = Peremptory rule	
rc = recodified	F = Failure to Remedy	R = Refusal to Modify or Withdraw	
# = renumbered	M = Modification	RC = JCAR Recommendation	
		S = Suspended rule	
		W = Withdrawal of Proposed rule	

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[illegible]

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470.260 n	(P-15239/88; A-11441)
470.270 n	(P-15239/88; A-11441)
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130.610 am	(E-11017)
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230.250	r	(P-9223)
230.260	r	(P-9223)
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307.3129	am	(P-16396/88; A-1794)
307.3500	am	(P-16396/88; A-1794)
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307.7703	am	(P-9471)
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310.232	am	(P-9426)
310.233	am	(P-9426)
310.502	am	(P-9426)
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310.522	am	(P-9426)
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365.203	n	(P-18030/88; A-7351)
365.204	n	(P-18030/88; A-7351)
365.301	n	(P-18030/88; A-7351)
365.302	n	(P-18030/88; A-7351)
365.303	n	(P-18030/88; A-7351)
365.304	n	(P-18030/88; A-7351)
365.401	n	(P-18030/88; A-7351)
365.402	n	(P-18030/88; A-7351)
365.403	n	(P-18030/88; A-7351)
365.404	n	(P-18030/88; A-7351)
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365.702	n	(P-18030/88; A-7351)
365.703	n	(P-18030/88; A-7351)
365.704	n	(P-18030/88; A-7351)
365.705	n	(P-18030/88; A-7351)
365.706	n	(P-18030/88; A-7351)
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601.40 n (P-11985/88; A-2051)
601.50 n (P-11985/88; A-2051)
601.60 n (P-11985/88; A-2051)
601.70 n (P-11985/88; A-2051)
601.80 n (P-11985/88; A-2051)
601.90 n (P-11985/88; A-2051)
601.100 n (P-11985/88; A-2051)
601.110 n (P-11985/88; A-2051)
601.120 n (P-11985/88; A-2051)
601.130 n (P-11985/88; A-2051)
601.140 n (P-11985/88; A-2051)
754. Ex. B am (P-2057/88; A-1542)
919.10 am (P-13535/88; C-17456/88; A-1204)
919.20 am (P-13535/88; C-17456/88; A-1204)
919.30 am (P-13535/88; C-17456/88; A-1204)
919.40 am (P-13535/88; C-17456/88; A-1204)
919.50 am (P-13535/88; C-17456/88; A-1204)

TITLE 56 (CONT'D)			TITLE 62 (CONT'D)		
2725.250	am	(P-5344; W-11959) (P-11120)	1773.20	n	(P-12317)
2725.270	am	(P-5344; W-11959) (P-11120)	1773.21	n	(P-12317)
	am	(E-11872)	1774.15	am	(P-12334)
2732.200	n	(P-12748)	1774.17	am	(P-12334)
2732.210	n	(P-1945; A-8864)	1778.13	am	(P-12303)
2765.205	n	(P-752)	1778.14	am	(P-12303)
2765.325	n	(P-5375; W-11961) (P-11155)	1779.12	am	(P-12347)
	n	(E-11911)	1779.20	r	(P-12347)
2765.326	n	(P-11155) (E-11911)	1780.16	am	(P-12352)
2765.328	n	(P-5375; W-11961) (P-11155)	1780.21	am	(P-12352)
2765.330	n	(P-5375; W-11961) (P-11155)	1780.31	am	(P-12352)
2765.332	n	(P-5375; W-11961) (P-11155)	1783.12	am	(P-12366)
	n	(E-11911)	1783.20	r	(P-12366)
2765.333	n	(P-5375; W-11961) (P-11155)	1784.14	am	(P-12371)
	n	(E-11911)	1784.17	am	(P-12371)
2765.334	n	(P-5375; W-11961) (P-11155)	1784.21	am	(P-12371)
	n	(E-11911)	1800.21	am	(P-12205)
2765.335	n	(P-5375; W-11961) (P-11155)	1800.40	am	(P-12205)
	am	(E-11911)	1800.60	am	(P-12205)
2770.105	am	(P-743; A-11507)	1816.49	am	(P-12255)
2905.1	am	(P-2229; A-11502)	1816.61	am	(P-12255)
2905.15	am	(P-2229; A-11502)	1816.64	am	(P-12255)
2905.25	r	(P-2229; A-11502)	1816.67	am	(P-12255)
2905.40	r	(P-2229; A-11502)	1816.68	am	(P-12255)
2920.5	am	(P-11153) (E-11899)	1816.83	am	(P-12255)
2920.65	r	(P-11153) (E-11899)	1816.97	am	(P-12255)
2920.68	r	(P-2229; A-11502)	1816.99	am	(P-12255)
2920.70	r	(P-11153) (E-11899)	1816.102	am	(P-12255)
2920.75	r	(P-11153) (E-11899)	1817.49	am	(P-12280)
2920.80	r	(P-11153) (E-11899)	1817.61	am	(P-12280)
2960.105	am	(P-17; A-5940)	1817.66	am	(P-12280)
6000.10	am	(P-7845) (E-8025)	1817.66	am	(P-12280)
6000.280	am	(P-7845) (E-8025)	1817.67	am	(P-12280)
6000.310	am	(P-7845) (E-8025)	1817.68	am	(P-12280)
6000.320	n	(P-7845) (E-8025)	1817.83	am	(P-12280)
	n		1817.97	am	(P-12280)
	am		1817.97	am	(P-12280)
	am		1817.122	am	(P-12280)
	am	(P-18087/88; A-3821)	1843.11	am	(P-12341)
106.15	n	(P-8208)	1846.1	n	(P-12248)
112.10	n	(P-8208)	1846.5	n	(P-12248)
112.20	n	(P-8208)	1846.12	n	(P-12248)
112.30	n	(P-8208)	1846.14	n	(P-12248)
	n		1846.17	n	(P-12248)
	n		1846.18	n	(P-12248)
TITLE 59			TITLE 68		
106.15	am	(P-18087/88; A-3821)	600.10	am	(P-19795/88; A-3665)
112.10	n	(P-8208)	600.30	am	(P-19795/88; A-3665)
112.20	n	(P-8208)	600.60	am	(P-19795/88; A-3665)
112.30	n	(P-8208)	600.80	am	(P-19795/88; A-3665)
	n		600.90	am	(P-19795/88; A-3665)
	am		600.100	n	(P-19795/88; A-3665)
	am		600.110	n	(P-19795/88; A-3665)
	am		610.10	am	(P-19205/88; A-3690)
	am		610.20	am	(P-19205/88; A-3690)
	am		610.30	am	(P-19205/88; A-3690)
	am		610.37	am	(P-19205/88; A-3690)

TITLE 50 (CONT'D)			TITLE 50 (CONT'D)		
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919.60	am	(P-13535/88; C-17456/88; A-1204)	6701.30	n	(P-17617/88; A-5951)
919.80	am	(P-13535/88; A-1204)			
919.80	am	(P-13535/88; C-17456/88; A-1204)			
919.90	am	(P-13535/88; A-1204)			
919.90	am	(P-13535/88; C-17456/88; A-1204)			
919 Ex. A	n	(P-13535/88; A-1204)			
919.60	am	(P-13535/88; C-17456/88; A-1204)			
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2008.20	am	(P-251; A-8520) (E-586; O-3471)			
2008.30	am	(P-251; A-8520) (E-586; O-3471)			
2008.40	am	(P-251; A-8520) (E-586; O-3471)			
2008.50	am	(P-251; A-8520) (E-586; O-3471)			
2008.60	am	(P-251; A-8520) (E-586; O-3471)			
2008.70	am	(P-251; A-8520) (E-586; O-3471)			
2008.80	am	(P-251; A-8520) (E-586; O-3471)			
2008.81	n	(P-251; A-8520) (E-586; O-3471)			
2008.82	n	(P-251; A-8520) (E-586; O-3471)			
2008.90	am	(P-251; A-8520) (E-586; O-3471)			
2008 Ap. A	am	(P-251; A-8520) (E-586; O-3471)			
2008 Ap. B	am	(P-251; A-8520) (E-586; O-3471)			
2008 Ap. C	am	(P-251; A-8520) (E-586; O-3471)			
2008 Ap. E	n	(P-251; A-8520) (E-586; O-3471)			
2008 Ap. F	n	(P-251; A-8520) (E-586; O-3471)			
2008 Ap. G	n	(P-251; A-8520) (E-586; O-3471)			
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2011.20	n	(P-13558/88; A-3804)			
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2011.40	n	(P-13558/88; A-3804)			
2011.50	n	(P-13558/88; A-3804)			
2011.60	n	(P-13558/88; A-3804)			
2011.70	n	(P-13558/88; A-3804)			
2011 Ap. A	n	(P-13558/88; A-3804)			
2011 Ap. B	n	(P-13558/88; A-3804)			
2011 Ap. C	n	(P-13558/88; A-3804)			
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3113.60	am	(P-12935)			
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6302.40	am	(P-15269/88; A-3801)			
6701.10	n	(P-17617/88; A-5951)			
6701.20	n	(P-17617/88; A-5951)			

TITLE 68 (CONT'D)		TITLE 68 (CONT'D)		TITLE 68 (CONT'D)		TITLE 68 (CONT'D)	
610.40	am (P-19205/88; A-3690)	1220.400	n (P-5867/88; A-4191)	1285.220	n (P-15880/88; A-10925)	1360.50	am (P-14963/88; A-4234)
610.60	am (P-19205/88; A-3690)	1220.410	r (P-5867/88; A-4191)	1285.225	n (P-15880/88; A-10925)	1360.55	am (P-14963/88; A-4234)
750.1000	r (P-6934)	1220.410	n (P-5867/88; A-4191)	1285.230	n (P-15880/88; A-10925)	1360.60	am (P-14963/88; A-4234)
750.1000	n (P-6949)	1220.421	am (P-5867/88; A-4191)	1285.235	n (P-15880/88; A-10925)	1360.65	n (P-14963/88; A-4234)
750.1010	r (P-6934)	1220.425	n (P-5867/88; A-4191)	1285.240	n (P-15880/88; A-10925)	1360.70	am (P-14963/88; A-4234)
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750.2000	r (P-6934)	1220.435	am (P-5867/88; A-4191)	1285.250	n (P-15880/88; A-10925)		
750.2000	n (P-6949)	1220.500	n (P-5867/88; A-4191)	1285.255	n (P-15880/88; A-10925)	1360.75	n (P-14963/88; A-4234)
750.2010	r (P-6934)	1220.510	n (P-5867/88; A-4191)	1285.260	n (P-15880/88; A-10925)	1360.80	r (P-14963/88; A-4234)
750.2010	n (P-6949)	1220.520	n (P-5867/88; A-4191)	1285.265	n (P-15880/88; A-10925)	1360.85	am (P-14963/88; A-4234)
750.2020	r (P-6934)	1220.530	n (P-5867/88; A-4191)	1285.270	n (P-15880/88; A-10925)	1360.90	am (P-14963/88; A-4234)
750.2020	n (P-6949)			1285.275	n (P-15880/88; A-10925)	1360.95	am (P-14963/88; A-4234)
750.2030	r (P-6934)	1220.540	n (P-5867/88; A-4191)	1285.280	n (P-15880/88; A-10925)		
750.2030	n (P-6949)	1220.550	n (P-5867/88; A-4191)	1285.310	n (P-15880/88; A-10925)		
750.2040	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1285.320	n (P-15880/88; A-10925)		
750.2040	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1285.330	n (P-15880/88; A-10925)		
750.3000	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.10	r (P-15854/88; A-10923)		
750.3000	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1290.11	r (P-15854/88; A-10923)		
750.3010	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.12	r (P-15854/88; A-10923)		
750.3010	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1290.13	r (P-15854/88; A-10923)		
750.3020	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.14	r (P-15854/88; A-10923)		
750.3020	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1290.15	r (P-15854/88; A-10923)		
750.3030	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.16	r (P-15854/88; A-10923)		
750.3030	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1290.17	r (P-15854/88; A-10923)		
750.3040	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.18	r (P-15854/88; A-10923)		
750.3040	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1290.19	r (P-15854/88; A-10923)		
750.3050	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.20	am (P-8606/88; A-6994)		
750.3050	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1290.21	am (P-8606/88; A-6994)		
750.3060	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.22	am (P-8606/88; A-6994)		
750.3060	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1290.23	am (P-8606/88; A-6994)		
750.3070	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.24	am (P-8606/88; A-6994)		
750.3070	n (P-6949)	1220.560	n (P-5867/88; A-4191)	1290.25	am (P-8606/88; A-6994)		
750.4000	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.26	am (P-8606/88; A-6994)		
750.4010	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.27	am (P-8606/88; A-6994)		
750.4020	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.28	am (P-8606/88; A-6994)		
750.4030	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.29	am (P-8606/88; A-6994)		
750.4040	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.30	am (P-8606/88; A-6994)		
750.4050	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.31	am (P-8606/88; A-6994)		
750.4060	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.32	am (P-8606/88; A-6994)		
750.4070	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.33	am (P-8606/88; A-6994)		
750.4080	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.34	am (P-8606/88; A-6994)		
750.5000	r (P-6934)	1220.560	n (P-5867/88; A-4191)	1290.35	am (P-8606/88; A-6994)		
1175.425	am (E-6810) (P-7185)	1220.560	n (P-5867/88; A-4191)	1290.36	am (P-8606/88; A-6994)		
1175.600	am (E-6810) (P-7185)	1220.560	n (P-5867/88; A-4191)	1290.37	am (P-8606/88; A-6994)		
1200.30	am (P-11993; C-12648)	1220.560	n (P-5867/88; A-4191)	1290.38	am (P-8606/88; A-6994)		
1220.110	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.39	am (P-8606/88; A-6994)		
1220.120	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.40	am (P-8606/88; A-6994)		
1220.130	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.41	am (P-8606/88; A-6994)		
1220.140	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.42	am (P-8606/88; A-6994)		
1220.150	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.43	am (P-8606/88; A-6994)		
1220.160	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.44	am (P-8606/88; A-6994)		
1220.220	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.45	am (P-8606/88; A-6994)		
1220.231	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.46	am (P-8606/88; A-6994)		
1220.240	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.47	am (P-8606/88; A-6994)		
1220.260	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.48	am (P-8606/88; A-6994)		
1220.340	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.49	am (P-8606/88; A-6994)		
1220.350	am (P-5867/88; A-4191)	1220.560	n (P-5867/88; A-4191)	1290.50	am (P-8606/88; A-6994)		

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1510.120	n	(P-14813/88; O-3442; R-5210; A-5098)	(P-17673/88; A-4681)
1510.130	n	(P-14813/88; O-3442; R-5210; A-5098)	(P-17673/88; A-4681)
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1510.220	n	(P-14813/88; O-3442; R-5210; A-5098)	(P-17673/88; A-4681)
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1510.310	n	(P-14813/88; O-3442; R-5210; A-5098)	(P-17673/88; A-4681)
1510.320	n	(P-14813/88; O-3442; R-5210; A-5098)	(P-17673/88; A-4681)
1510.330	n	(P-14813/88; O-3442; R-5210; A-5098)	(P-17673/88; A-4681)
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TITLE 77		TITLE 77 (CONT'D)	
200.100	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.101	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.150	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.201	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.202	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.203	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.204	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.205	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.206	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)
200.207	r	(P-17673/88; A-4681)	(P-17673/88; A-4681)

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TITLE 77 (CONT'D)

TITLE 77 (CONT'D)

200.902	r (P-17673/88; A-4681)	300.175	am (P-21333/88; A-4684)
200.903	r (P-17673/88; A-4681)	300.180	am (P-21333/88; A-4684)
200.904	r (P-17673/88; A-4681)	300.190	am (P-21333/88; A-4684)
200.905	r (P-17673/88; A-4681)	300.200	am (P-21333/88; A-4684)
200.906	r (P-17673/88; A-4681)	300.210	am (P-21333/88; A-4684)
200.907	r (P-17673/88; A-4681)	300.220	am (P-21333/88; A-4684)
200.908	r (P-17673/88; A-4681)	300.230	am (P-21333/88; A-4684)
200.909	r (P-17673/88; A-4681)	300.240	am (P-21333/88; A-4684)
200.910	r (P-17673/88; A-4681)	300.250	am (P-21333/88; A-4684)
200.911	r (P-17673/88; A-4681)	300.260	am (P-21333/88; A-4684)
200.912	r (P-17673/88; A-4681)	300.270	am (P-21333/88; A-4684)
200.913	r (P-17673/88; A-4681)	300.272	am (P-21333/88; A-4684)
200.914	r (P-17673/88; A-4681)	300.274	am (P-21333/88; A-4684)
200.915	r (P-17673/88; A-4681)	300.276	am (P-21333/88; A-4684)
200.916	r (P-17673/88; A-4681)	300.277	am (P-21333/88; A-4684)
200.917	r (P-17673/88; A-4681)	300.278	am (P-21333/88; A-4684)
200.918	r (P-17673/88; A-4681)	300.280	am (P-21333/88; A-4684)
200.919	r (P-17673/88; A-4681)	300.282	am (P-21333/88; A-4684)
200.920	r (P-17673/88; A-4681)	300.284	am (P-21333/88; A-4684)
200.921	r (P-17673/88; A-4681)	300.286	am (P-21333/88; A-4684)
200.922	r (P-17673/88; A-4681)	300.288	am (P-21333/88; A-4684)
200.923	r (P-17673/88; A-4681)	300.290	am (P-21333/88; A-4684)
200.924	r (P-17673/88; A-4681)	300.300	am (P-21333/88; A-4684)
200.925	r (P-17673/88; A-4681)	300.310	am (P-21333/88; A-4684)
200.926	r (P-17673/88; A-4681)	300.320	am (P-21333/88; A-4684)
200.927	r (P-17673/88; A-4681)	300.330	am (P-21333/88; A-4684)
200.928	r (P-17673/88; A-4681)	300.340	am (P-21333/88; A-4684)
200.929	r (P-17673/88; A-4681)	300.510	am (P-21333/88; A-4684)
200.930	r (P-17673/88; A-4681)	300.610	am (P-21333/88; A-4684)
200.931	r (P-17673/88; A-4681)	300.620	am (P-21333/88; A-4684)
200.932	r (P-17673/88; A-4681)		
200.933	r (P-17673/88; A-4681)	300.630	am (P-13581/88; A-5134)
200.1001	r (P-17673/88; A-4681)	300.640	am (P-21333/88; A-4684)
200.1002	r (P-17673/88; A-4681)	300.650	am (P-21333/88; A-4684)
200.1003	r (P-17673/88; A-4681)	300.655	am (P-21333/88; A-4684)
200.1004	r (P-17673/88; A-4681)	300.660	am (P-21333/88; A-4684)
200.1005	r (P-17673/88; A-4681)	300.665	am (P-21333/88; A-4684)
200.1006	r (P-17673/88; A-4681)	300.670	am (P-21333/88; A-4684)
200.1007	r (P-17673/88; A-4681)	300.680	am (P-21333/88; A-4684)
200.1008	r (P-17673/88; A-4681)	300.690	am (P-21333/88; A-4684)
240.20	am (P-10028)	300.810	am (P-21333/88; A-4684)
245.20	am (P-10007)	300.820	am (P-21333/88; A-4684)
245.30	am (P-10007)	300.830	am (P-21333/88; A-4684)
245.50	am (P-7875)	300.840	am (P-21333/88; A-4684)
250.150	am (P-7875)	300.1010	am (P-21333/88; A-4684)
250.315	n (P-7875)	300.1020	am (P-13581/88; A-5134)
250.330	am (P-7875)	300.1025	n (P-21333/88; A-4684)
250.2140	am (P-7875)	300.1030	am (P-13581/88; A-5134)
300.110	am (P-21333/88; A-4684)	300.1040	am (P-21333/88; A-4684)
300.120	am (P-21333/88; A-4684)	300.1050	am (P-21333/88; A-4684)
300.130	am (P-21333/88; A-4684)	300.1210	am (P-21333/88; A-4684)
300.140	am (P-21333/88; A-4684)	300.1220	am (P-21333/88; A-4684)
300.150	am (P-21333/88; A-4684)	300.1230	am (P-21333/88; A-4684)
300.160	am (P-21333/88; A-4684)	300.1240	am (P-21333/88; A-4684)
300.165	am (P-21333/88; A-4684)	300.1410	am (P-21333/88; A-4684)
300.170	am (P-21333/88; A-4684)		

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450.560	r	(P-2249; A-11573)
450.570	r	(P-2249; A-11573)
450.610	am	(P-2249; A-11573)
450.670	am	(P-2249; A-11573)
450.710	am	(P-2249; A-11573)
450.720	am	(P-2249; A-11573)
450.730	am	(P-2249; A-11573)
450.810	r	(P-2249; A-11573)
450.820	r	(P-2249; A-11573)
450.830	r	(P-2249; A-11573)
450.835	r	(P-2249; A-11573)
450.850	r	(P-2249; A-11573)
450.840	r	(P-2249; A-11573)
450.845	r	(P-2249; A-11573)
450.848	r	(P-2249; A-11573)
450.850	r	(P-2249; A-11573)
450.860	r	(P-2249; A-11573)
450.870	r	(P-2249; A-11573)
450.920	am	(P-2249; A-11573)
450.930	am	(P-2249; A-11573)
450.940	am	(P-2249; A-11573)
450.950	am	(P-2249; A-11573)
450.1010	am	(P-2249; A-11573)
450.1110	am	(P-2249; A-11573)
450.1120	am	(P-2249; A-11573)
450.1130	am	(P-2249; A-11573)
450.1140	am	(P-2249; A-11573)
450.1150	am	(P-2249; A-11573)
450.1155	am	(P-2249; A-11573)
450.1200	am	(P-2249; A-11573)
450.1300	am	(P-1932788; A-4285)
450.1310	am	(P-2249; A-11573)
450.1310	n	(P-1932788; A-4285)
450.1320	am	(P-2249; A-11573)
450.1320	n	(P-1932788; A-4285)
450.1330	am	(P-2249; A-11573)
450.1330	n	(P-1932788; A-4285)
450. Ap. A	n	(P-2249; A-11573)
450. Ap. B	n	(P-2249; A-11573)
450. Ap. C	n	(A-11573)
490.10	n	(P-2974)
490.20	n	(P-2974)
490.30	n	(P-2974)
490.40	n	(P-2974)
490.210	n	(P-2974)
490.220	n	(P-2974)
490.230	n	(P-2974)
490.310	n	(P-2974)
490.320	n	(P-2974)
490.330	n	(P-2974)
490.410	n	(P-2974)
490.420	n	(P-2974)
490.430	n	(P-2974)
490.440	n	(P-2974)
490.510	n	(P-2974)
490.520	n	(P-2974)
490.610	n	(P-2974)

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TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
540.160	am	(P-4616)	am
540.190	n	(P-4616)	am
542.10	n	(P-4544/88; A-3086)	am
542.20	n	(P-4544/88; A-3086)	am
542.30	n	(P-4544/88; A-3086)	am
542.40	n	(P-4544/88; A-3086)	am
542.50	n	(P-4544/88; A-3086)	am
542.60	n	(P-4544/88; A-3086)	am
542.70	n	(P-4544/88; A-3086)	am
542.80	n	(P-4544/88; A-3086)	am
542.90	n	(P-4544/88; A-3086)	am
542.100	am	(P-4544/88; A-3086)	am
600.110	am	(P-10035)	am
600.120	am	(P-10035)	am
600.230	am	(P-10035)	am
600.250	am	(P-10035)	am
600.510	am	(P-10035)	am
600.900	am	(P-10035)	am
600.910	r	(P-10035)	am
600.920	r	(P-10035)	am
600.930	r	(P-10035)	am
500.1100	am	(P-10035)	am
600.1110	am	(P-10035)	am
600.1120	am	(P-10035)	am
600.1130	am	(P-10035)	am
600.1140	am	(P-10035)	am
600.1400	am	(P-10035)	am
615.100	am	(P-10137)	am
615.110	am	(P-10137)	am
615.140	am	(P-10137)	am
615.150	am	(P-10137)	am
615.160	am	(P-10137)	am
615.200	am	(P-10137)	am
615.310	am	(P-10137)	am
615.320	am	(P-10137)	am
615.330	am	(P-10137)	am
615.360	am	(P-10137)	am
615.370	am	(P-10137)	am
615.510	am	(P-10137)	am
615.520	am	(P-10137)	am
615.530	am	(P-10137)	am
615.540	am	(P-10137)	am
630.10	am	(P-10060)	am
630.20	am	(P-10060)	am
630.30	am	(P-10060)	am
630.40	am	(P-10060)	am
630.50	am	(P-10060)	am
630.60	am	(P-10060)	am
630.70	am	(P-10060)	am
630.80	am	(P-10060)	am
630.90	am	(P-10060)	am
630.100	am	(P-10060)	am
630.110	am	(P-10060)	am
630.120	am	(P-10060)	am
630.130	am	(P-10060)	am
630.140	am	(P-10060)	am
630.150	am	(P-4616)	am
630.160	am	(P-10060)	am
630.170	am	(P-10060)	am
630.180	am	(P-10060)	am
630.190	am	(P-10060)	am
630.200	am	(P-10060)	am
630.210	am	(P-10060)	am
630.220	am	(P-10060)	am
630.230	am	(P-10060)	am
630.240	am	(P-10060)	am
630.250	am	(P-10060)	am
630.260	am	(P-10060)	am
630.270	am	(P-10060)	am
630.280	am	(P-10060)	am
630.290	am	(P-10060)	am
630.300	am	(P-10060)	am
630.310	am	(P-10060)	am
630.320	am	(P-10060)	am
630.330	am	(P-10060)	am
630.340	am	(P-10060)	am
630.350	am	(P-5505)	am
630.360	am	(P-5505)	am
630.370	am	(P-5505)	am
630.380	am	(P-5505)	am
630.390	am	(P-5505)	am
630.400	am	(P-5505)	am
630.410	am	(P-5505)	am
630.420	am	(P-5505)	am
630.430	am	(P-5505)	am
630.440	am	(P-5505)	am
630.450	am	(P-5505)	am
630.460	am	(P-5505)	am
630.470	am	(P-5505)	am
630.480	am	(P-5505)	am
630.490	am	(P-5505)	am
630.500	am	(P-5505)	am
630.510	am	(P-5505)	am
630.520	am	(P-5505)	am
630.530	am	(P-5505)	am
630.540	am	(P-5505)	am
630.550	am	(P-5505)	am
630.560	am	(P-5505)	am
630.570	am	(P-5505)	am
630.580	am	(P-5505)	am
630.590	am	(P-5505)	am
630.600	am	(P-5505)	am
630.610	am	(P-5505)	am
630.620	am	(P-5505)	am
630.630	am	(P-5505)	am
630.640	am	(P-5505)	am
630.650	am	(P-5505)	am
630.660	am	(P-5505)	am
630.670	am	(P-5505)	am
630.680	am	(P-5505)	am
630.690	am	(P-5505)	am
630.700	am	(P-5505)	am
630.710	am	(P-5505)	am
630.720	am	(P-5505)	am
630.730	am	(P-5505)	am
630.740	am	(P-5505)	am
630.750	am	(P-5505)	am
630.760	am	(P-5505)	am
630.770	am	(P-5505)	am
630.780	am	(P-5505)	am
630.790	am	(P-5505)	am
630.800	am	(P-5505)	am
630.810	am	(P-5505)	am
630.820	am	(P-5505)	am
630.830	am	(P-5505)	am
630.840	am	(P-5505)	am
630.850	am	(P-5505)	am
630.860	am	(P-5505)	am
630.870	am	(P-5505)	am
630.880	am	(P-5505)	am
630.890	am	(P-5505)	am
630.900	am	(P-5505)	am
630.910	am	(P-5505)	am
630.920	am	(P-5505)	am
630.930	am	(P-5505)	am
630.940	am	(P-5505)	am
630.950	am	(P-5505)	am
630.960	am	(P-5505)	am
630.970	am	(P-5505)	am
630.980	am	(P-5505)	am
630.990	am	(P-5505)	am
630.1000	am	(P-5505)	am
630.1010	am	(P-5505)	am
630.1020	am	(P-5505)	am
630.1030	am	(P-5505)	am
630.1040	am	(P-5505)	am
630.1050	am	(P-5505)	am
630.1060	am	(P-5505)	am
630.1070	am	(P-5505)	am
630.1080	am	(P-5505)	am
630.1090	am	(P-5505)	am
630.1100	am	(P-5505)	am
630.1110	am	(P-5505)	am
630.1120	am	(P-5505)	am
630.1130	am	(P-5505)	am
630.1140	am	(P-5505)	am
630.1150	am	(P-5505)	am
630.1160	am	(P-5505)	am
630.1170	am	(P-5505)	am
630.1180	am	(P-5505)	am
630.1190	am	(P-5505)	am
630.1200	am	(P-5505)	am
630.1210	am	(P-5505)	am
630.1220	am	(P-5505)	am
630.1230	am	(P-5505)	am
630.1240	am	(P-5505)	am
630.1250	am	(P-5505)	am
630.1260	am	(P-5505)	am
630.1270	am	(P-5505)	am
630.1280	am	(P-5505)	am
630.1290	am	(P-5505)	am
630.1300	am	(P-5505)	am
630.1310	am	(P-5505)	am
630.1320	am	(P-5505)	am
630.1330	am	(P-5505)	am
630.1340	am	(P-5505)	am
630.1350	am	(P-5505)	am
630.1360	am	(P-5505)	am
630.1370	am	(P-5505)	am
630.1380	am	(P-5505)	am
630.1390	am	(P-5505)	am
630.1400	am	(P-5505)	am
630.1410	am	(P-5505)	am
630.1420	am	(P-5505)	am
630.1430	am	(P-5505)	am
630.1440	am	(P-5505)	am
630.1450	am	(P-5505)	am
630.1460	am	(P-5505)	am
630.1470	am	(P-5505)	am
630.1480	am	(P-5505)	am
630.1490	am	(P-5505)	am
630.1500	am	(P-5505)	am
630.1510	am	(P-5505)	am
630.1520	am	(P-5505)	am
630.1530	am	(P-5505)	am
630.1540	am	(P-5505)	am
630.1550	am	(P-5505)	am
630.1560	am	(P-5505)	am
630.1570	am	(P-5505)	am
630.1580	am	(P-5505)	am
630.1590	am	(P-5505)	am
630.1600	am	(P-5505)	am
630.1610	am	(P-5505)	am
630.1620	am	(P-5505)	am
630.1630	am	(P-5505)	am
630.1640	am	(P-5505)	am
630.1650	am	(P-5505)	am
630.1660	am	(P-5505)	am
630.1670	am	(P-5505)	am
630.1680	am	(P-5505)	am
630.1690	am	(P-5505)	am
630.1700	am	(P-5505)	am
630.1710	am	(P-5505)	am
630.1720	am	(P-5505)	am
630.1730	am	(P-5505)	am
630.1740	am	(P-5505)	am
630.1750	am	(P-5505)	am
630.1760	am	(P-5505)	am
630.1770	am	(P-5505)	am
630.1780	am	(P-5505)	am
630.1790	am	(P-5505)	am
630.1800	am	(P-5505)	am
630.1810	am	(P-5505)	am
630.1820	am	(P-5505)	am
630.1830	am	(P-5505)	am
630.1840	am	(P-5505)	am
630.1850	am	(P-5505)	am
630.1860	am	(P-5505)	am
630.1870	am	(P-5505)	am
630.1880	am	(P-5505)	am
630.1890	am	(P-5505)	am
630.1900	am	(P-5505)	am
630.1910	am	(P-5505)	am
630.1920	am	(P-5505)	am
630.1930	am	(P-5505)	am
630.1940	am	(P-5505)	am
630.1950	am	(P-5505)	am
630.1960	am	(P-5505)	am
630.1970	am	(P-5505)	am
630.1980	am	(P-5505)	am
630.1990	am	(P-5505)	am
630.2000	am	(P-5505)	am
630.2010	am	(P-5505)	am
630.2020	am	(P-5505)	am
630.2030	am	(P-5505)	am
630.2040	am	(P-5505)	am
630.2050	am	(P-5505)	am
630.2060	am	(P-5505)	am
630.2070	am	(P-5505)	am
630.2080	am	(P-5505)	am
630.2090	am	(P-5505)	am
630.2100	am	(P-5505)	am
630.2110	am	(P-5505)	am
630.2120	am	(P-5505)	am
630.2130	am	(P-5505)	am
630.2140	am	(P-5505)	am
630.2150	am	(P-5505)	am
630.2160	am	(P-5505)	am
630.2170	am	(P-5505)	am
630.2180	am	(P-5505)	am
630.2190	am	(P-5505)	am
630.2200	am	(P-5505)	am
630.2210	am	(P-5505)	am
630.2220	am	(P-5505)	am
630.2230	am	(P-5505)	am
630.2240	am	(P-5505)	am
630.2250	am	(P-5505)	am
630.2260	am	(P-5505)	am
630.2270	am	(P-5505)	am
630.2280	am	(P-5505)	am
630.2290	am	(P-5505)	am
630.2300	am	(P-5505)	am
630.2310	am	(P-5505)	am
630.2320	am	(P-5505)	am
630.2330	am	(P-5505)	am
630.2340	am	(P-5505)	am
630.2350	am	(P-5505)	am
630.2360	am	(P-5505)	am
630.2370	am	(P-5505)	am
630.2380	am	(P-5505)	am
630.2390	am	(P-5505)	am
630.2400	am	(P-5505)	am
630.2410	am	(P-5505)	am
630.2420	am	(P-5505)	am
630.2430	am	(P-5505)	am
630.2440	am	(P-5505)	am
630.2450	am	(P-5505)	am
630.2460	am	(P-5505)	am
630.2470	am	(P-5505)	am
630.2480	am	(P-5505)	am
630.2490	am	(P-5505)	am
630.2500	am	(P-5505)	am
630.2510	am	(P-5505)	am
630.2520	am	(P-5505)	am
630.2530	am	(P-5505)	am
630.2540	am	(P-5505)	am
630.2550	am	(P-5505)	am
630.2560	am	(P-5505)	am
630.2570	am	(P-5505)	am
630.2580	am	(P-5505)	am
630.2590	am	(P-5505)	am
630.2600	am	(P-5505)	am
630.2610	am	(P-5505)	am
630.2620	am	(P-5505)	am
630.2630	am	(P-5505)	am
630.2640	am	(P-5505)	am
630.2650	am	(P-5505)	am
630.2660	am	(P-5505)	am
630.2670	am	(P-5505)	

TITLE 77 (CONT'D)		
640.Ap. A	n	(P-12433)
640.Ap. B	n	(P-12433)
640.Ap. C	n	(P-12433)
640.Ap. D	n	(P-12433)
640.Ap. E	n	(P-12433)
640.Ap. F	n	(P-12433)
640.Ap. G	n	(P-12433)
640.Ap. H	n	(P-12433)
640.Ap. I	n	(P-12433)
640.Ap. J	n	(P-12433)
640.Ap. K	n	(P-12433)
661.10	am	(P-3-5599)
661.15	am	(P-3-5599)
661.20	am	(P-3-5599)
661.30	am	(P-3-5599)
661.35	am	(P-3-5599)
661.40	am	(P-3-5599)
661.50	am	(P-3-5599)
665.140	am	(P-8840)
665.150	am	(P-8840)
665.180	am	(P-8840)
665.610	n	(P-19984/88; A-11565)
665.620	n	(P-19984/88; A-11565)
665.630	n	(P-19984/88; A-11565)
665.640	n	(P-19984/88; A-11565)
665.610	n	(P-19984/88; A-11565)
665.610	n	(P-19984/88; A-11565)
665.610	n	(P-19984/88; A-11565)
665.610	n	(P-19984/88; A-11565)
665.Ap. A	am	(P-8840)
665.10	n	(P-5491)
665.20	n	(P-5491)
665.100	n	(P-5491)
665.110	n	(P-5491)
665.120	n	(P-5491)
665.200	n	(P-5491)
665.210	n	(P-5491)
665.220	n	(P-5491)
665.Ap. A	n	(P-5491)
665.Ap. B	n	(P-5491)
665.Ap. C	n	(P-5491)
665.20	am	(P-21043/88; A-11544)
665.30	am	(P-21043/88; A-11544)
665.110	am	(P-21043/88; A-11544)
665.120	am	(P-21043/88; A-11544)
665.130	am	(P-21043/88; A-11544)
665.140	am	(P-21043/88; A-11544)
665.400	am	(P-21043/88; A-11544)
665.Ap.B	am	(P-21043/88; A-11544)
665.10	n	(P-7194)
665.20	n	(P-7194)
665.30	n	(P-7194)
665.40	n	(P-7194)
665.50	n	(P-7194)
665.60	n	(P-7194)
665.70	n	(P-7194)

TITLE 77 (CONT'D)		
698.Ap.	A	n
700.10	am	(P-12777/88; A-10634)
700.20	am	(P-12777/88; A-10634)
700.30	am	(P-12777/88; A-10634)
700.40	am	(P-6913)
710.30	am	(P-6913)
710.40	am	(P-6913)
710.50	am	(P-6913)
710.60	am	(P-6913)
710.70	am	(P-6913)
710.80	am	(P-6913)
710.90	am	(P-6913)
710.100	am	(P-6913)
710.110	am	(P-6913)
710.120	am	(P-6913)
710.130	am	(P-6913)
710.140	am	(P-6913)
710.150	am	(P-6913)
710.210	am	(P-6913)
710.220	am	(P-6913)
710.230	am	(P-6913)
725.5	r	(P-7265/88; A-2517)
725.10	r	(P-7265/88; A-2517)
725.15	r	(P-7272/88; A-2502)
725.20	r	(P-7272/88; A-2502)
725.25	r	(P-7272/88; A-2502)
725.30	r	(P-7265/88; A-2517)
725.35	r	(P-7272/88; A-2502)
725.40	r	(P-7265/88; A-2517)
725.45	r	(P-7272/88; A-2502)
725.50	r	(P-7272/88; A-2502)
725.55	r	(P-7272/88; A-2502)
725.60	r	(P-7265/88; A-2517)
725.65	r	(P-7272/88; A-2502)
725.70	r	(P-7265/88; A-2517)
725.75	r	(P-7272/88; A-2502)
725.80	r	(P-7265/88; A-2517)
725.85	r	(P-7272/88; A-2502)
725.90	r	(P-7272/88; A-2502)
750.10	am	(P-6888)
750.20	am	(P-6888)
750.30	am	(P-6888)
750.40	am	(P-6888)
750.50	am	(P-6888)
750.550	am	(P-6888)
750.60	am	(P-6888)
750.650	am	(P-6888)
750.70	am	(P-6888)
750.750	am	(P-6888)
750.80	am	(P-6888)
750.850	am	(P-6888)
750.90	am	(P-6888)
750.950	am	(P-6888)
750.1000	am	(P-6888)
750.1050	am	(P-6888)
750.1100	am	(P-6888)
750.1150	am	(P-6888)
750.1200	am	(P-6888)
750.1250	am	(P-6888)
750.1300	am	(P-6888)
750.1350	am	(P-6888)
750.1400	am	(P-6888)
750.1450	am	(P-6888)
750.1500	am	(P-6888)
750.1550	am	(P-6888)
750.1600	am	(P-6888)
750.1650	am	(P-6888)
750.1700	am	(P-6888)
750.1750	am	(P-6888)
750.1800	am	(P-6888)
750.1850	am	(P-6888)
750.1900	am	(P-6888)
750.1950	am	(P-6888)
750.2000	am	(P-6888)
750.2050	am	(P-6888)
750.2100	am	(P-6888)
750.2150	am	(P-6888)
750.2200	am	(P-6888)
750.2250	am	(P-6888)
750.2300	am	(P-6888)
750.2350	am	(P-6888)
750.2400	am	(P-6888)
750.2450	am	(P-6888)
750.2500	am	(P-6888)
750.2550	am	(P-6888)
750.2600	am	(P-6888)
750.2650	am	(P-6888)
750.2700	am	(P-6888)
750.2750	am	(P-6888)
750.2800	am	(P-6888)
750.2850	am	(P-6888)
750.2900	am	(P-6888)
750.2950	am	(P-6888)
750.3000	am	(P-6888)
750.3050	am	(P-6888)
750.3100	am	(P-6888)
750.3150	am	(P-6888)
750.3200	am	(P-6888)
750.3250	am	(P-6888)

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
750.1838	n (P-6888)	790.1060	am (P-12991/88; A-856) (P-12942) (E-12990)
750.1840	n (P-6888)	790.1100	r (P-16425/88; A-856)
750.1850	n (P-6888)	790.1125	n (P-16425/88; A-856)
750.1860	n (P-6888)	790.1125	am (P-3015; A-11717) (E-3108)
750.1861	n (P-6888)	790.1127	am (P-3015; A-11717) (E-3108)
750.1862	n (P-6888)	790.1127	n (P-16425/88; A-856)
750.1865	n (P-6888)	790.1129	n (P-16425/88; A-856)
750.1868	n (P-6888)	790.1129	am (P-3015; A-11717) (E-3108)
750.1870	n (P-6888)	790.1129	am (P-3015; A-11717) (E-3108)
750.1876	n (P-6888)	790.1131	n (P-16425/88; A-856)
750.1880	n (P-6888)	790.1131	am (P-3015; A-11717) (E-3108)
750.1890	n (P-6888)	790.1200	am (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1200	am (P-16425/88; A-856) (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1300	am (P-16425/88; A-856)
750.1895	n (P-6888)	790.1345	am (P-16425/88; A-856)
750.1895	n (P-6888)	790.1360	am (P-12942) (E-12990)
750.1895	n (P-6888)	790.1380	am (P-12942) (E-12990)
750.1895	n (P-6888)	790.1423	n (P-12942) (E-12990)
750.1895	n (P-6888)	790.1425	am (P-12942) (E-12990)
750.1895	n (P-6888)	790.1440	n (P-16425/88; A-856) (P-12942) (E-12990)
750.1895	n (P-6888)	790.1460	am (P-16425/88; A-856)
750.1895	n (P-6888)	790.1560	am (P-12991/88; P-16425/88; A-856)
750.1895	n (P-6888)	790.1570	n (P-16425/88; A-856)
750.1895	n (P-6888)	790.1570	am (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1570	am (P-12942) (E-12990)
750.1895	n (P-6888)	790.1577	am (P-16425/88; A-856) (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1620	am (P-12991/88; A-856)
750.1895	n (P-6888)	790.1660	am (P-16425/88; A-856)
750.1895	n (P-6888)	790.1685	am (P-12991/88; A-856) (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1697	am (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1700	am (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1706	am (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1708	am (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1710	am (P-12942) (E-12990)
750.1895	n (P-6888)	790.1721	am (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1740	am (P-16425/88; A-856) (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.1842	am (P-12942) (E-12990)
750.1895	n (P-6888)	790.1848	am (P-12942) (E-12990)
750.1895	n (P-6888)	790.1930	am (P-16425/88; A-856)
750.1895	n (P-6888)	790.1980	am (P-3015; A-11717) (E-3108)
750.1895	n (P-6888)	790.2020	am (P-12942) (E-12990)
750.1895	n (P-6888)	790.2060	am (P-16425/88; A-856) (P-12942) (E-12990)
750.1895	n (P-6888)	790.2097	am (P-12991/88; A-856) (P-3015; A-11717) (E-3108) (P-12942) (E-12990)
750.1895	n (P-6888)	790.2140	am (P-12991/88; P-16425/88; A-856)
750.1895	n (P-6888)	790.2180	am (P-16425/88; A-856)
750.1895	n (P-6888)	790.2260	am (P-16425/88; A-856)
750.1895	n (P-6888)	790.2340	am (P-16425/88; A-856)

TITLE 77 (CONT'D)

790.2380	am	(P-16425/88; A-856)
790.2465	n	(P-12942) (E-12990)
790.2470	am	(P-12942) (E-12990)
790.2500	am	(P-12991/88; P-16425/88; A-856)
		(P-3015; A-11717) (E-3108)
790.2540	am	(P-12942) (E-12990)
790.2580	am	(P-16425/88; A-856)
790.2603	am	(P-16425/88; A-856) (P-12942)
790.2605	am	(P-16425/88; A-856) (P-12942)
		(E-12990)
790.2613	am	(P-3015; A-11717) (E-3108)
790.2614	am	(P-12991/88; P-16425/88; A-856)
790.2617	am	(P-3015; A-11717) (E-3108)
790.2618	am	(P-12942) (E-12990)
790.2660	am	(P-16425/88; A-856) (P-12942)
790.2663	am	(P-12942) (E-12990)
790.2668	am	(P-12942) (E-12990)
790.2672	am	(P-3015; A-11717) (E-3108)
790.2700	am	(P-3015; A-11717) (E-3108)
790.2780	am	(P-16425/88; A-856) (P-3015; A-11717) (E-3108)
		(E-12990)
790.2800	n	(P-3015; A-11717) (E-3108)
790.2805	n	(P-12942) (E-12990)
790.2860	am	(P-16425/88; A-856)
790.2900	am	(P-16425/88; A-856) (P-3015; A-11717) (E-3108)
790.2904	am	(P-16425/88; A-856) (P-3015; A-11717) (E-3108)
790.2928	r	(P-16425/88; A-856)
790.2928	n	(P-12991/88; A-856)
790.2932	am	(P-16425/88; A-856)
790.2940	am	(P-3015; A-11717) (E-3108)
790.3020	am	(P-16425/88; A-856)
790.3023	am	(P-3015; A-11717) (E-3108)
790.3025	am	(P-12942) (E-12990)
790.3027	n	(P-16425/88; A-856)
790.3027	am	(P-12942) (E-12990)
790.3028	am	(P-3015; A-11717) (E-3108)
790.3032	am	(P-12942) (E-12990)
790.3048	am	(P-12942) (E-12990)
790.3054	am	(P-3015; A-11717) (E-3108)
790.3054	am	(P-12942) (E-12990)
790.3060	am	(P-12942) (E-12990)
790.3085	am	(P-16425/88; A-856) (P-12942) (E-12990)

TITLE 77 (CONT'D)

790.4430	am	(P-16425/88; A-856)
790.4460	am	(P-16425/88; A-856)
790.4540	am	(P-3015; A-11717) (E-3108)
790.4580	am	(P-16425/88; A-856)
790.4620	am	(P-16425/88; A-856)
790.4660	am	(P-16425/88; A-856) (P-3015; A-11717) (E-3108) (P-12942)
		(E-12990)
790.4670	am	(P-12991/88; A-856) (P-3015; A-11717) (E-3108) (P-12942)
		(E-12990)
790.4680	am	(P-12991/88; A-856) (P-12942)
790.4720	am	(P-12991/88; P-16425/88; A-856)
790.4740	am	(P-12991/88; P-16425/88; A-856)
		(P-3015; A-11717) (E-3108)
790.4820	am	(P-12942) (E-12990)
790.4900	am	(P-16425/88; A-856)
790.4960	n	(P-16425/88; A-856)
790.4963	n	(P-12942) (E-12990)
790.4965	n	(P-12942) (E-12990)
790.5020	am	(P-12942) (E-12990)
790.5060	am	(P-16425/88; A-856)
790.5140	am	(P-12991/88; P-16425/88; A-856)
		(P-3015; A-11717) (E-3108)
790.5180	am	(P-16425/88; A-856)
790.5220	am	(P-12991/88; A-856) (P-3015; A-11717) (E-3108)
790.5300	am	(P-16425/88; A-856) (P-12942)
		(E-12990)
790.5312	am	(P-12991/88; A-856) (P-3015; A-11717) (E-3108) (P-12942)
		(E-12990)
790.5320	n	(P-12942) (E-12990)
790.5380	am	(P-12942) (E-12990)
790.5420	am	(P-16425/88; A-856) (P-3015; A-11717) (E-3108)
790.5483	am	(P-12991/88; P-16425/88; A-856)
		(P-3015; A-11717) (E-3108)
790.5520	n	(P-12942) (E-12990)
790.5530	am	(P-16425/88; A-856)
790.5540	am	(P-16425/88; A-856) (P-3015; A-11717) (E-3108) (P-12942)
		(E-12990)
790.5544	am	(P-12991/88; P-16425/88; A-856)
		(P-3015; A-11717) (E-3108)
790.5555	n	(P-12942) (E-12990)
790.5560	n	(P-12942) (E-12990)
790.5620	am	(P-12991/88; P-16425/88; A-856)
		(P-3015; A-11717) (E-3108)
		(P-12942) (E-12990)
790.4420	am	(P-12942) (E-12990)

TITLE 83 (CONT'D)		
440.430	n	(P-3162/88; A-296)
440.500	n	(P-3162/88; A-296)
440.510	n	(P-3162/88; A-296)
440.520	n	(P-3162/88; A-296)
440.600	n	(P-3162/88; A-296)
440.610	n	(P-3162/88; A-296)
440.620	n	(P-3162/88; A-296)
440.640	n	(P-3162/88; A-296)
440.650	n	(P-3162/88; A-296)
440.660	n	(P-3162/88; A-296)
440.700	n	(P-3162/88; A-296)
440.800	n	(P-3162/88; A-296)
440.810	n	(P-3162/88; A-296)
440.900	n	(P-3162/88; A-296)
440.910	n	(P-3162/88; A-296)
505.10	am	(P-1686; A-10858)
535.10	n	(P-9314/88; A-7331)
535.15	n	(P-9314/88; A-7331)
535.100	n	(P-9314/88; A-7331) (P-12676)
535.110	n	(P-9314/88; A-7331)
535.115	n	(P-9314/88; A-7331)
535.120	n	(P-9314/88; A-7331)
535.200	n	(P-9314/88; A-7331)
535.205	n	(P-9314/88; A-7331)
535.210	n	(P-9314/88; A-7331)
535.220	n	(P-9314/88; A-7331)
535.300	n	(P-9314/88; A-7331)
535.305	n	(P-9314/88; A-7331)
535.310	n	(P-9314/88; A-7331)
535.320	n	(P-9314/88; A-7331)
535.330	n	(P-9314/88; A-7331)
535.340	n	(P-9314/88; A-7331)
535.350	n	(P-9314/88; A-7331)
535.360	n	(P-9314/88; A-7331)
535.400	n	(P-9314/88; A-7331)
535.410	n	(P-9314/88; A-7331)
535.500	n	(P-9314/88; A-7331)
535.510	n	(P-9314/88; A-7331)
590.10	am	(P-9067)
595.120	am	(P-16309/88; A-2036)
710.10	am	(P-9076)
710.100	n	(P-19563/88; A-7570)
710.105	n	(P-19563/88; A-7570)
710.110	n	(P-19563/88; A-7570)
710.115	n	(P-19563/88; A-7570)
710.120	n	(P-19563/88; A-7570)
710.125	n	(P-19563/88; A-7570)
710.130	n	(P-19563/88; A-7570)
710.135	n	(P-19563/88; A-7570)
710.140	n	(P-19563/88; A-7570)
710.145	n	(P-19563/88; A-7570)
710.150	n	(P-19563/88; A-7570)
710.155	n	(P-19563/88; A-7570)
710.160	n	(P-19563/88; A-7570)
710.165	n	(P-19563/88; A-7570)
710.170	n	(P-19563/88; A-7570)

TITLE 86 (CONT'D)		
100.2904	n	(P-10772)
100.3700	am	(P-2383; A-10952)
100.5706	am	(P-768; A-8917)
110.105	am	(P-22373/88; A-7469)
110.145	am	(P-20007/88; A-6803)
110.160	am	(P-22373/88; A-7469)
130.310	am	(P-8391)
130.901	am	(P-11084/88; A-11824)
130.1501	am	(P-11084/88; A-11824)
130.1505	am	(P-11084/88; A-11824)
130.1515	am	(P-11084/88; A-11824)
140.101	am	(P-10179)
140.105	am	(P-10179)
140.110	am	(P-10179)
140.115	am	(P-10179)
140.120	am	(P-10179)
140.125	am	(P-10179)
140.126	n	(P-10179)
140.130	am	(P-10179)
140.135	am	(P-10179)
140.140	am	(P-10179)
140.145	am	(P-10179)
140.201	am	(P-10179)
140.301	am	(P-10179)
140.305	am	(P-10179)
140.401	am	(P-10179)
140.405	am	(P-10179)
140.410	am	(P-10179)
140.420	am	(P-10179)
140.425	am	(P-10179)
140.430	am	(P-10179)
140.501	am	(P-10179)
140.505	am	(P-10179)
140.1301	am	(P-10179)
140.1310	am	(P-10179)
140.1415	am	(P-10179)
140.1501	am	(P-10179)
140.1601	am	(P-10179)
140.1401	am	(P-1108/88; A-9388)
140.1405	am	(P-1108/88; A-9388)
140.1415	am	(P-1108/88; A-9388)
150.325	am	(P-7215)
150.330	am	(P-7215)
150.1401	am	(P-7215)
150.1405	am	(P-7215)
150.1415	am	(P-7215)
150.1405	am	(P-7215)
150.1415	am	(P-7215)
151.101	am	(P-1498)
151.105	n	(P-1498)
151.110	n	(P-1498)
151.115	n	(P-1498)
160.150	am	(P-11119/88; A-9399)
160.155	am	(P-11119/88; A-9399)
160.165	am	(P-11119/88; A-9399)
180.101	am	(P-11056/88; A-9332)
200.101	am	(P-20012/88; A-6808)
200.101	n	(P-19993/88; A-6789)

TITLE 86 (CONT'D)		TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
600.110	n	1910.90	n	114.353	am
600.115	n	1910.95	n	115.1	n
600.120	n			115.10	am
600.125	n			115.30	am
600.130	n			116.10	n
600.135	n			117.1	n
610.101	n			117.20	am
610.105	n			118.300	n
610.110	n			120.1	n
610.115	n			120.10	am
610.120	n			120.31	am
610.125	n			120.40	am
610.130	n			120.60	am
610.135	n			120.62	am
620.101	n			120.63	am
620.105	n			120.70	am
620.110	n			120.72	n
620.115	n			120.74	n
620.120	n			120.76	n
630.101	n			120.284	n
630.105	n			120.346	n
630.110	n			120.380	am
630.115	n			120.382	am
630.120	n			120.384	n
630.125	n			120.393	n
640.101	n			121.58	am
640.105	n			121.62	am
640.110	n			121.135	n
640.115	n			130.301	am
640.120	n			130.302	am
640.125	n			130.310	am
640.130	n			130.312	am
640.135	n			130.313	am
650.101	n			130.314	am
650.105	n			130.321	am
650.110	n			130.500	n
650.115	n			140.16	am
650.120	n			140.17	am
650.125	n			140.19	am
650.130	n			140.20	am
650.135	n			140.21	n
650.140	n			140.43	n
650.145	n			140.94	re
650.150	n			140.95	re
650.155	n			140.96	re
650.160	n			140.97	re
650.165	n			140.98	re
650.170	n			140.99	re
650.175	n			140.100	re
650.180	n			140.101	re
650.185	n			140.102	re
650.190	n			140.103	re
650.195	n			140.104	re
650.200	n			140.110	re
650.205	n				
650.210	n				
650.215	n				
650.220	n				
650.225	n				
650.230	n				
650.235	n				
650.240	n				
650.245	n				
650.250	n				
650.255	n				
650.260	n				
650.265	n				
650.270	n				
650.275	n				
650.280	n				
650.285	n				
650.290	n				
650.295	n				
650.300	n				
650.305	n				
650.310	n				
650.315	n				
650.320	n				
650.325	n				
650.330	n				
650.335	n				
650.340	n				
650.345	n				
650.350	n				
650.355	n				
650.360	n				
650.365	n				
650.370	n				
650.375	n				
650.380	n				
650.385	n				
650.390	n				
650.395	n				
650.400	n				
650.405	n				
650.410	n				
650.415	n				
650.420	n				
650.425	n				
650.430	n				
650.435	n				
650.440	n				
650.445	n				
650.450	n				
650.455	n				
650.460	n				
650.465	n				
650.470	n				
650.475	n				
650.480	n				
650.485	n				
650.490	n				
650.495	n				
650.500	n				
650.505	n				
650.510	n				
650.515	n				
650.520	n				
650.525	n				
650.530	n				
650.535	n				
650.540	n				
650.545	n				
650.550	n				
650.555	n				
650.560	n				
650.565	n				
650.570	n				
650.575	n				
650.580	n				
650.585	n				
650.590	n				
650.595	n				
650.600	n				
650.605	n				
650.610	n				
650.615	n				
650.620	n				
650.625	n				
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650.645	n				
650.650	n				
650.655	n				
650.660	n				
650.665	n				
650.670	n				
650.675	n				
650.680	n				
650.685	n				
650.690	n				
650.695	n				
650.700	n				
650.705	n				
650.710	n				
650.715	n				
650.720	n				
650.725	n				
650.730	n				
650.735	n				
650.740	n				
650.745	n				
650.750	n				
650.755	n				
650.760	n				
650.765	n				
650.770	n				
650.775	n				
650.780	n				
650.785	n				
650.790	n				
650.795	n				
650.800	n				
650.805	n				
650.810	n				
650.815	n				
650.820	n				
650.825	n				
650.830	n				
650.835	n				
650.840	n				
650.845	n				
650.850	n				
650.855	n				
650.860	n				
650.865	n				
650.870	n				
650.875	n				
650.880	n				
650.885	n				
650.890	n				
650.895	n				
650.900	n				
650.905	n				
650.910	n				
650.915	n				
650.920	n				
650.925	n				
650.930	n				
650.935	n				
650.940	n				
650.945	n				
650.950	n				
650.955	n				
650.960	n				
650.965	n				
650.970	n				
650.975	n				
650.980	n				
650.985	n				
650.990	n				
650.995	n				
651.000	n				
651.005	n				
651.010	n				
651.015	n				
651.020	n				
651.025	n				
651.030	n				
651.035	n				
651.040	n				
651.045	n				
651.050	n				
651.055	n				
651.060	n				
651.065	n				
651.070	n				
651.075	n				
651.080	n				
651.085	n				
651.090	n				
651.095	n				
651.100	n				
651.105	n				
651.110	n				
651.115	n				
651.120	n				
651.125	n				
651.130	n				
651.135	n				
651.140	n				
651.145	n				
651.150	n				
651.155	n				
651.160	n				
651.165	n				
651.170	n				
651.175	n				
651.180	n				
651.185	n				
651.190	n				
651.195	n				
651.200	n				
651.205	n				
651.210	n				
651.215	n				
651.220	n				
651.225	n				
651.230	n				
651.235	n				
651.240	n				
651.245	n				
651.250	n				
651.255	n				
651.260	n				
651.265	n				
651.270	n				
651.275	n				
651.280	n				
651.285	n				
651.290	n				
651.295	n				
651.300	n				
651.305	n				
651.310	n				
651.315	n				
651.320	n				
651.325	n				
651.330	n				
651.335	n				
651.340	n				
651.345	n				
651.350	n				
651.355	n				
651.360	n				
651.365	n				
651.370	n				
651.375	n				
651.380	n				
651.385	n				
651.390	n				
651.395	n				
651.400	n				
651.405	n				
651.410	n				
651.415	n				
651.420	n				
651.425	n				
651.43					

TITLE 89 (CONT'D)		TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
140.569	am (P-5465) (E-10977)	141.3440	am (P-15483/88; A-516)	147.205	am (P-17201/88; O-5800; R-7148; A-7043)
140.850	re (A-7040)	141.3480	am (P-15483/88; A-516)	147.7b	A am (P-10627/88; O-20231/88; R-667; A-559) (P-10763) (E-10999)
141.855	re (A-7040)	141.3520	am (P-7873) (E-8036)	147.7b	B am (P-10627/88; O-20231/88 R-667; A-559) (P-10763) (E-10999)
140.860	re (A-7040)	141.3560	am (P-7873) (E-8036)	148.10	re (A-9572)
140.865	re (A-7040)	141.3600	am (P-20370/88; A-3850)	148.20	re (A-9572)
140.870	re (A-7040)	141.3760	am (P-15483/88; A-516)	148.30	re (A-9572)
140.875	re (A-7040)	141.3800	am (P-15483/88; A-516) (P-20370/88; A-3850)	148.40	re (A-9572)
140.880	re (A-7040)	141.3840	am (P-15483/88; A-516) (P-9992)	148.50	re (A-9572)
140.885	re (A-7040)	141.3920	am (E-10700)	148.60	re (A-9572)
140.890	re (A-7040)	141.4000	am (P-20370/88; A-3850; P-7873)	148.70	re (A-9572)
140.895	re (A-7040)	141.4040	am (P-15483/88; A-516) (P-7873)	148.80	re (A-9572)
140.896	re (A-7040)	141.4160	am (E-8036)	148.90	re (A-9572)
140.896	re (A-7040)	141.4200	am (P-15483/88; A-516)	148.100	re (A-9572)
141.100	n (P-11701/88; A-5718)	141.4160	am (P-20370/88; A-3850)	148.110	re (A-9572)
141.100	am (P-7873) (E-8036)	141.4200	am (E-8036)	148.120	re (A-12118)
141.200	am (P-20370/88; A-3850) (P-7873)	141.4230	n (P-20370/88; A-3850)	148.130	re (A-9572)
141.360	am (P-7873) (E-8036)	141.4440	am (P-15483/88; A-516) (P-7873)	148.140	re (A-9572)
141.400	am (P-15483/88; A-516) (P-7873)	141.4520	am (P-15483/88; A-516)	148.150	re (A-9572)
141.480	am (E-8036)	141.4600	am (P-7873) (E-8036)	148.160	re (A-9572)
141.520	am (P-7873) (E-8036)	141.4640	am (P-7873) (E-8036)	148.170	re (A-9572)
141.560	am (A-3850) (P-7873) (E-8036)	141.4720	am (P-15483/88; A-516)	148.180	re (A-9572)
141.720	am (P-20370/88; A-3850)	141.4760	am (P-15483/88; A-516) (P-7873)	148.190	re (A-9572)
141.800	am (P-15483/88; A-516) (P-7873)	141.4800	am (P-20370/88; A-3850)	148.200	re (A-9572)
141.1000	am (P-7873) (E-8036)	144.5	n (P-11999)	148.210	re (A-9572)
141.1160	am (P-15483/88; A-516)	144.25	n (P-11999)	148.220	re (A-9572)
141.1200	am (P-7873) (E-8036)	144.50	n (P-11999)	148.230	re (A-9572)
141.1240	am (E-8036)	144.75	n (P-11999)	148.240	re (A-9572)
141.1280	am (P-15483/88; A-516) (P-20370/88; A-3850) (P-7873) (E-8036)	144.100	n (P-11999)	148.250	re (A-9572)
141.1320	am (P-7873) (E-8036)	144.105	n (P-11999)	148.260	re (A-9572)
141.1480	am (P-15483/88; A-516) (P-7873)	144.125	n (P-11999)	148.270	re (A-9572)
141.1520	am (P-20370/88; A-516) (P-7873)	144.150	n (P-11999)	148.280	re (A-9572)
141.1520	am (E-8036)	144.175	n (P-11999)	148.290	re (A-9572)
141.1680	am (P-15483/88; A-516) (P-20370/88; A-3850)	144.200	n (P-11999)	148.300	re (A-9572)
141.1760	am (P-15483/88; A-516)	144.225	n (P-11999)	148.310	re (A-9572)
141.2080	am (P-9992) (E-10700)	144.250	n (P-11999)	148.320	re (A-9572)
141.2280	am (P-15483/88; A-516)	146.5	re (A-7040)	148.330	re (A-9572)
141.2360	am (P-15483/88; A-516)	146.25	re (A-7040)	148.340	re (A-9572)
141.2400	am (P-15483/88; A-516)	146.75	re (A-7040)	148.350	re (A-9572)
141.2600	am (P-20370/88; A-3850)	146.100	re (A-7040)	148.360	re (A-9572)
141.2760	am (P-15483/88; A-516) (P-20370/88; A-3850)	146.105	re (A-7040)	148.370	re (A-9572)
141.2920	am (P-20370/88; A-3850)	146.125	re (A-7040)	148.380	re (A-9572)
141.2960	am (P-15483/88; A-516) (P-20370/88; A-3850) (P-9992) (E-10700)	146.150	re (A-7040)	148.390	re (A-9572)
141.3080	am (P-7873) (E-8036)	146.175	re (A-7040)	149.100	am (P-3553)
141.3280	am (P-20370/88; A-3850)	146.200	re (A-7040)	149.105	am (P-13917/88; A-554)
141.3320	am (P-7873) (E-8036)	146.225	re (A-7040)	160.1	am (P-21039/88; A-4268)
141.3400	am (P-7873) (E-8036)	147.25	am (P-3562)	160.5	n (P-1396; A-7761)
		147.50	am (P-3562)	160.10	am (P-1396; A-7761) (P-7867)
		147.75	am (P-10627/88; A-559)	160.60	am (P-8255)
		147.100	am (P-10627/88; A-559)	160.70	am (P-20677/88; A-4268) (P-8255)
				160.100	am (P-1396; A-7761)
				160.110	n (P-1396; A-7761)
				160.120	n (P-1396; A-7761)
				160.130	n (P-1396; A-7761)

TABLE 89. (CONT'D.)		
240.510	#	(P-10821/88; A-11193)
240.520	am	(P-10821/88; A-11193)
240.520	am	(P-10821/88; A-11193)
240.530	am	(P-10821/88; A-11193)
240.600	am	(P-10821/88; A-11193)
240.610	am	(P-10821/88; A-11193)
240.620	am	(P-10821/88; A-11193)
240.630	am	(P-10821/88; A-11193)
240.640	am	(P-10821/88; A-11193)
240.650	am	(P-10821/88; A-11193)
240.655	#	(P-10821/88; A-11193)
240.665	am	(P-10821/88; A-11193)
240.660	am	(P-10821/88; A-11193)
240.710	am	(P-10821/88; A-11193)
240.715	am	(P-10821/88; A-11193)
240.720	am	(P-10821/88; A-11193)
240.725	am	(P-10821/88; A-11193)
240.730	am	(P-10821/88; A-11193)
240.735	am	(P-10821/88; A-11193)
240.740	am	(P-10821/88; A-11193)
240.750	am	(P-10821/88; A-11193)
240.755	am	(P-10821/88; A-11193)
240.760	am	(P-10821/88; A-11193)
240.800	am	(P-10821/88; A-11193)
240.810	am	(P-10821/88; A-11193)
240.815	am	(P-10821/88; A-11193)
240.820	am	(P-10821/88; A-11193)
240.825	am	(P-10821/88; A-11193)
240.830	am	(P-10821/88; A-11193)
240.835	am	(P-10821/88; A-11193)
240.855	am	(P-10821/88; A-11193)
240.860	am	(P-10821/88; A-11193)
240.865	am	(P-10821/88; A-11193)
240.870	am	(P-10821/88; A-11193)
240.875	am	(P-10821/88; A-11193)
240.905	am	(P-10821/88; A-11193)
240.910	am	(P-10821/88; A-11193)
240.915	am	(P-10821/88; A-11193)
240.920	am	(P-10821/88; A-11193)
240.925	#	(P-10821/88; A-11193)
240.930	n	(P-10821/88; A-11193)
240.935	n	(P-10821/88; A-11193)
240.940	am	(P-10821/88; A-11193)
240.945	am	(P-10821/88; A-11193)
240.950	am	(P-10821/88; A-11193)
240.1010	am	(P-10821/88; A-11193)
240.1020	am	(P-10821/88; A-11193)
240.1040	am	(P-10821/88; A-11193)
240.1050	n	(P-10821/88; A-11193)
240.1100	r	(P-10821/88; A-11193)
240.1120	r	(P-10821/88; A-11193)
240.1130	r	(P-10821/88; A-11193)
240.1130	n	(P-10821/88; A-11193)
240.1160	n	(P-10821/88; A-11193)
240.1170	n	(P-10821/88; A-11193)

TITLE 89 (CONTD.)		
240.1180	n	(P-10821/88; A-11193)
240.1210	am	(P-10821/88; A-11193)
240.1310	am	(P-10821/88; O-9594, R-11956; A-11193)
240.1320	am	(P-10821/88; A-11193)
240.1330	r	(P-10821/88; A-11193)
240.1396	r	(P-10821/88; A-11193)
240.1397	r	(P-10821/88; A-11193)
240.1398	r	(P-10821/88; A-11193)
240.1399	am	(P-10821/88; A-11193)
240.1400	n	(P-685)
240.1410	am	(P-685)
240.1420	am	(P-685)
240.1430	n	(P-685)
240.1440	n	(P-685)
240.1450	n	(P-685)
240.1510	am	(P-10821/88; A-11193)
240.1520	am	(P-10821/88; A-11193)
240.1530	am	(P-10821/88; A-11193)
240.1535	am	(P-10821/88; A-11193)
240.1540	am	(P-10821/88; A-11193)
240.1545	am	(P-10821/88; A-11193)
240.1550	am	(P-10821/88; A-11193)
240.1555	am	(P-10821/88; A-11193)
240.1560	am	(P-10821/88; A-11193)
240.1565	n	(P-10821/88; A-11193)
240.1570	n	(P-10821/88; A-11193)
240.1575	n	(P-10821/88; A-11193)
240.1580	n	(P-10821/88; A-11193)
240.1590	n	(P-10821/88; A-11193)
240.1600	n	(P-10821/88; A-11193)
240.1605	n	(P-10821/88; A-11193)
240.1610	n	(P-10821/88; A-11193)
240.1620	n	(P-10821/88; A-11193)
240.1625	n	(P-10821/88; A-11193)
240.1630	n	(P-10821/88; A-11193)
240.1635	n	(P-10821/88; A-11193)
240.1640	n	(P-10821/88; A-11193)
240.1645	n	(P-10821/88; A-11193)
240.1650	n	(P-10821/88; A-11193)
240.1655	n	(P-10821/88; A-11193)
240.1660	n	(P-10821/88; A-11193)
240.1665	n	(P-10821/88; A-11193)
240.1700	n	(P-685)
240.1705	n	(P-685)
240.1710	n	(P-685)
240.1715	n	(P-685)
240.1718	n	(P-685)
240.1720	n	(P-685)
240.1722	n	(P-685)
240.1725	n	(P-685)
240.1730	n	(P-685)
240.1735	n	(P-685)
240.1737	n	(P-685)
240.1738	n	(P-685)
240.1739	n	(P-685)

TITLE 89 (CONT'D)		TITLE 89 (CONT'D)			
240.1800	n	(P-10821/88; A-11193)	510.20	n	(P-3036)
240.1850	n	(P-10821/88; A-11193)	510.20	r	(P-3020)
240.1850	n	(P-10821/88; A-11193)	510.30	n	(P-3036)
240.1910	n	(P-10821/88; A-11193)	510.30	n	(P-3020)
240.1920	n	(P-10821/88; A-11193)	510.40	n	(P-3036)
240.1930	n	(P-10821/88; A-11193)	510.40	r	(P-3020)
240.1930	n	(P-10821/88; A-11193)	510.40	n	(P-3036)
240.1940	n	(P-10821/88; A-11193)	510.50	r	(P-3020)
240.1950	n	(P-10821/88; A-11193)	510.50	n	(P-3036)
240.1960	n	(P-685)	510.50	r	(P-3020)
240.2020	n	(P-10821/88; A-11193)	510.60	n	(P-3036)
240.2030	n	(P-10821/88; A-11193)	510.60	r	(P-3020)
240.2040	n	(P-10821/88; A-11193)	510.70	n	(P-3036)
240.2040	n	(P-10821/88; A-11193)	510.80	n	(P-3036)
240.2050	n	(P-10821/88; A-11193)	510.90	n	(P-3036)
300.20	am	(P-11953/88; A-2419)	510.100	n	(P-3036)
300.30	am	(P-11953/88; A-2419)	510.110	n	(P-3036)
300.90	am	(P-11953/88; A-2419)	510.120	r	(P-3020)
300.100	am	(P-11953/88; A-2419)	510.130	r	(P-3020)
300.110	am	(P-11953/88; O-22472/88; R-2535; A-2419)	510.140	r	(P-3020)
300.130	am	(P-11953/88; A-2419)	510.210	r	(P-3020)
300.140	am	(P-11953/88; A-2419)	510.220	r	(P-3020)
300.160	am	(P-11953/88; A-2419)	510.230	r	(P-3020)
302.310	am	(P-13814/88; W-8115) (P-7847)	510.240	r	(P-3020)
302.311	n	(P-7847)	510.250	r	(P-3020)
310.2	am	(P-11953/88; A-7308)	510.260	r	(P-3020)
310.12	am	(P-11953/88; O-3412; R-7483; A-7308)	510.270	r	(P-3020)
310.13	am	(P-11953/88; A-7308)	510.280	r	(P-3020)
310.14	am	(P-11953/88; A-7308)	510.290	r	(P-3020)
310.15	am	(P-11953/88; A-7308)	510.300	r	(P-3020)
310.16	am	(P-11953/88; A-7308)	510.310	r	(P-3020)
334.11	am	(P-11915/88; A-6986)	510.320	r	(P-3020)
334.12	am	(P-11915/88; A-6986)	510.410	r	(P-3020)
334.13	am	(P-11915/88; A-6986)	510.420	r	(P-3020)
357.2	am	(P-13807/88; A-3344)	520.20	am	(P-6911/88; A-5149)
357.3	am	(P-13807/88; A-3344)	520.30	am	(P-6911/88; A-5149)
357.11	am	(P-13807/88; A-3344)	520.100	am	(P-6911/88; A-5149)
385.20	am	(P-13744/88; A-5917)	525.10	n	(P-14117/88; A-9580)
385.30	am	(P-13744/88; A-5917)	530.10	am	(P-3565/88; A-141)
385.40	am	(P-13744/88; A-5917)	530.20	am	(P-3565/88; A-141)
431.5	am	(P-11922/88; O-22457/88; R-2532; A-2407)	530.100	r	(P-3565/88; A-141)
431.6	am	(P-11922/88; A-2407)	530.105	r	(P-3565/88; A-141)
431.7	am	(P-11922/88; A-2407)	530.110	am	(P-3565/88; A-141)
431.11	n	(P-11922/88; O-22457/88; R-2532; A-2407)	530.120	r	(P-3565/88; A-141)
431.12	#	(P-11922/88; A-2407)	530.130	am	(P-3565/88; A-141)
432.8	#	(P-5225)	530.140	am	(P-3565/88; A-141)
432.8	#	(P-5225)	530.150	r	(P-3565/88; A-141)
432.9	#	(P-5225)	530.200	n	(P-3565/88; A-141)
437.4	am	(P-13752/88; A-3339)	530.230	n	(P-3565/88; A-141)
437.8	#	(P-13752/88; A-3339)	530.240	n	(P-3565/88; A-141)
437.8	#	(P-13752/88; A-3339)	530.260	n	(P-3565/88; A-141)
437.9	#	(P-13752/88; A-3339)	552.35	am	(P-11177)
437.9	am	(P-13752/88; A-3339)	552.40	am	(P-277; A-9576)
437.9	am	(P-13752/88; A-3339)	552.50	am	(P-11177)
510.10	n	(P-3020)	552.60	am	(P-11177)
510.10	r	(P-3020)	552.90	am	(P-11177)

TITLE 89 (CONT'D)		TITLE 92 (CONT'D)		TITLE 92 (CONT'D)		TITLE 92 (CONT'D)	
552.100	am	(P-52; W-4309)	843.70	am	(P-15015/88; A-4298)	451.40	n
557.10	am	(P-5914)	843.150	am	(P-15015/88; A-4298)	451.50	n
562.30	am	(P-4685/88; A-2866)	843.160	am	(P-15015/88; A-4298)	451.60	n
567.10	am	(P-281; A-9590)	845.40	am	(P-4641)	451.70	n
567.30	am	(P-10175)	870.10	am	(P-8379)	451.80	n
587.50	am	(P-2192/88; A-1850) (P-10765)	870.11	n	(P-8379)	451.90	n
587.100	r	(P-10765)	870.20	am	(P-3310)	451.100	n
587.110	am	(P-2192/88; A-1850)	895.10	n	(P-3310)	451.110	n
587.130	am	(P-2192/88; A-1850)	895.20	n	(P-3310)	451.120	n
587.500	am	(P-2192/88; A-1850)	895.30	n	(P-3310)	451.130	n
587.600	am	(P-10765)	895.40	n	(P-3310)	451.140	n
592.45	n	(P-2092/88; A-1573)	895.50	n	(P-3310)	451.150	n
597.20	am	(P-2197/88; A-1568)	895.60	n	(P-3310)	451.160	n
597.150	n	(P-2197/88; A-1568)	895.70	n	(P-3310)	451.170	n
597.150	am	(P-7212)	1200.20	am	(P-20613/88; A-9283)	451.180	n
607.60	am	(P-56; A-9586) (E-225; O-3478)	1200.30	am	(P-20613/88; A-9283)	451.190	n
622.20	am	(P-8387)	1200.40	am	(P-20613/88; A-9283)	451.200	n
645.10	n	(P-12763)	1200.50	am	(P-20613/88; A-9283)	451.210	n
650.80	r	(P-12758)	1200.60	am	(P-20613/88; A-9283)	451.220	n
650.700	am	(P-15520/88; A-7465)	1200.70	am	(P-20613/88; A-9283)	451.230	n
675.300	am	(P-13956/88; A-6768)	1300.340	am	(P-19223/88; A-4644)	451.240	n
685.600	am	(P-15023/88; A-5158) (P-12538)	TITLE 92			451.250	n
693.200	am	(P-8384)	10.30	am	(P-19365/88; A-3962)	451.260	n
700.200	am	(P-10409/88; A-3101)	10.40	am	(P-19365/88; A-3962)	451.270	n
700.300	am	(P-10409/88; A-3101)	10.50	am	(P-19365/88; A-3962)	451.280	n
712.100	am	(P-10377/88; A-10643)	10.60	am	(P-19365/88; A-3962)	451.290	n
712.200	am	(P-10377/88; A-10643)	10.70	am	(P-19365/88; A-3962)	451.300	n
712.300	am	(P-10377/88; A-10643)	10.80	am	(P-19365/88; A-3962)	451.310	n
712.400	am	(P-10377/88; A-10643)	96.10	n	(P-15049/88; A-3384)	451.320	n
712.1000	n	(P-10377/88; A-10643)	96.20	n	(P-15049/88; A-3384)	451.330	n
712.1000	n	(P-10377/88; A-10643)	96.30	n	(P-15049/88; A-3384)	451.340	n
712.1000	n	(P-10377/88; A-10643)	96.40	n	(P-15049/88; A-3384)	451.350	n
714.10	am	(P-4152)	96.50	n	(P-15049/88; A-3384)	451.360	n
714.20	am	(P-4152)	96.60	n	(P-15049/88; A-3384)	451.370	n
714.30	am	(P-4152)	96.70	n	(P-15049/88; A-3384)	451.380	n
714.110	am	(P-12947)	96.80	n	(P-15049/88; A-3384)	451.390	n
714.130	am	(P-12947)	96.90	n	(P-15049/88; A-3384)	451.400	n
714.300	am	(P-12947)	96.100	n	(P-15049/88; A-3384)	451.410	n
714.310	am	(P-12947)	96.110	n	(P-15049/88; A-3384)	451.420	n
714.320	am	(P-12947)	96.120	n	(P-15049/88; A-3384)	451.430	n
760.440	am	(P-20431/88; A-9329)	96.130	n	(P-15049/88; A-3384)	451.440	n
765.10	am	(P-13948/88; A-5154)	96.140	n	(P-15049/88; A-3384)	451.450	n
825.10	am	(P-13941/88; A-7958)	96.150	n	(P-15049/88; A-3384)	451.460	n
829.10	am	(P-5990/88; A-5755)	96.160	n	(P-15049/88; A-3384)	451.470	n
829.20	n	(P-5990/88; A-5755)	96.170	n	(P-15049/88; A-3384)	451.480	n
829.30	n	(P-5990/88; A-5755)	96.180	n	(P-15049/88; A-3384)	451.490	n
829.40	n	(P-5990/88; A-5755)	96.190	n	(P-15049/88; A-3384)	451.500	n
829.50	n	(P-5990/88; A-5755)	96.200	n	(P-15049/88; A-3384)	451.510	n
829.60	n	(P-5990/88; A-5755)	96.210	n	(P-15049/88; A-3384)	451.520	n
829.70	n	(P-5990/88; A-5755)	96.220	n	(P-15049/88; A-3384)	451.530	n
829.80	n	(P-5990/88; A-5755)	96.230	n	(P-15049/88; A-3384)	451.540	n
829.90	n	(P-5990/88; A-5755)	96.240	n	(P-15049/88; A-3384)	451.550	n
843.10	am	(P-15015/88; A-4298)	96.250	n	(P-15049/88; A-3384)	451.560	n
843.50	am	(P-15015/88; A-4298)	96.260	n	(P-15049/88; A-3384)	451.570	n
843.60	am	(P-15015/88; A-4298)	96.270	n	(P-15049/88; A-3384)	451.580	n
			96.280	n	(P-15049/88; A-3384)	451.590	n
			96.290	n	(P-15049/88; A-3384)	451.600	n
			96.300	n	(P-15049/88; A-3384)	451.610	n
			96.310	n	(P-15049/88; A-3384)	451.620	n
			96.320	n	(P-15049/88; A-3384)	451.630	n
			96.330	n	(P-15049/88; A-3384)	451.640	n
			96.340	n	(P-15049/88; A-3384)	451.650	n
			96.350	n	(P-15049/88; A-3384)	451.660	n
			96.360	n	(P-15049/88; A-3384)	451.670	n
			96.370	n	(P-15049/88; A-3384)	451.680	n
			96.380	n	(P-15049/88; A-3384)	451.690	n
			96.390	n	(P-15049/88; A-3384)	451.700	n
			96.400	n	(P-15049/88; A-3384)	451.710	n
			96.410	n	(P-15049/88; A-3384)	451.720	n
			96.420	n	(P-15049/88; A-3384)	451.730	n
			96.430	n	(P-15049/88; A-3384)	451.740	n
			96.440	n	(P-15049/88; A-3384)	451.750	n
			96.450	n	(P-15049/88; A-3384)	451.760	n
			96.460	n	(P-15049/88; A-3384)	451.770	n
			96.470	n	(P-15049/88; A-3384)	451.780	n
			96.480	n	(P-15049/88; A-3384)	451.790	n
			96.490	n	(P-15049/88; A-3384)	451.800	n
			96.500	n	(P-15049/88; A-3384)	451.810	n
			96.510	n	(P-15049/88; A-3384)	451.820	n
			96.520	n	(P-15049/88; A-3384)	451.830	n
			96.530	n	(P-15049/88; A-3384)	451.840	n
			96.540	n	(P-15049/88; A-3384)	451.850	n
			96.550	n	(P-15049/88; A-3384)	451.860	n
			96.560	n	(P-15049/88; A-3384)	451.870	n
			96.570	n	(P-15049/88; A-3384)	451.880	n
			96.580	n	(P-15049/88; A-3384)	451.890	n
			96.590	n	(P-15049/88; A-3384)	451.900	n
			96.600	n	(P-15049/88; A-3384)	451.910	n
			96.610	n	(P-15049/88; A-3384)	451.920	n
			96.620	n	(P-15049/88; A-3384)	451.930	n
			96.630	n	(P-15049/88; A-3384)	451.940	n
			96.640	n	(P-15049/88; A-3384)	451.950	n
			96.650	n	(P-15049/88; A-3384)	451.960	n
			96.660	n	(P-15049/88; A-3384)	451.970	n
			96.670	n	(P-15049/88; A-3384)	451.980	n
			96.680	n	(P-15049/88; A-3384)	451.990	n
			96.690	n	(P-15049/88; A-3384)	452.000	n
			96.700	n	(P-15049/88; A-3384)	452.010	n
			96.710	n	(P-15049/88; A-3384)	452.020	n
			96.720	n	(P-15049/88; A-3384)	452.030	n
			96.730	n	(P-15049/88; A-3384)	452.040	n
			96.740	n	(P-15049/88; A-3384)	452.050	n
			96.750	n	(P-15049/88; A-3384)	452.060	n
			96.760	n	(P-15049/88; A-3384)	452.070	n
			96.770	n	(P-15049/88; A-3384)	452.080	n
			96.780	n	(P-15049/88; A-3384)	452.090	n
			96.790	n	(P-15049/88; A-3384)	452.100	n
			96.800	n	(P-15049/88; A-3384)	452.110	n
			96.810	n	(P-15049/88; A-3384)	452.120	n
			96.820	n	(P-15049/88; A-3384)	452.130	n
			96.830	n	(P-15049/88; A-3384)	452.140	n
			96.840	n	(P-15049/88; A-3384)	452.150	n
			96.850	n	(P-15049/88; A-3384)	452.160	n
			96.860	n	(P-15049/88; A-3384)	452.170	n
			96.870	n	(P-15049/88; A-3384)	452.180	n
			96.880	n	(P-15049/88; A-3384)	452.190	n
			96.890	n	(P-15049/88; A-3384)	452.200	n
			96.900	n	(P-15049/88; A-3384)	452.210	n
			96.910	n	(P-15049/88; A-3384)	452.220	n
			96.920	n	(P-15049/88; A-3384)	452.230	n
			96.930	n	(P-15049/88; A-3384)	452.240	n
			96.940	n	(P-15049/88; A-3384)	452.250	n
			96.950	n	(P-15049/88; A-3384)	452.260	n
			96.960	n	(P-15049/88; A-3384)	452.270	n
			96.970	n	(P-15049/88; A-3384)	452.280	n
			96.980	n	(P-15049/88; A-3384)	452.290	n
			96.990	n	(P-15049/88; A-3384)	452.300	n
			97.000	n	(P-15049/88; A-3384)	452.310	n
			97.010	n	(P-15049/88; A-3384)	452.320	n
			97.020	n	(P-15049/88; A-3384)	452.330	n
			97.030	n	(P-15049/88; A-3384)	452.340	n
			97.040	n	(P-15049/88; A-3384)	452.350	n
			97.050	n	(P-15049/88; A-3384)	452.360	n
			97.060	n	(P-15049/88; A-3384)	452.370	n
			97.070	n	(P-15049/88; A-3384)	452.380	n
			97.080	n	(P-15049/88; A-3384)	452.390	n
			97.090	n	(P-15049/88; A-3384)	452.400	n
			97.100	n	(P-15049/88; A-3384)	452.410	n
			97.110	n	(P-15049/88; A-3384)	452.420	n
			97.120	n	(P-15049/88; A-3384)	452.430	n
			97.130	n	(P-15049/88; A-3384)	452.440	n
			97.140	n	(P-15049/88; A-3384)	452.450	n
			97.150	n	(P-15049/88; A-3384)	452.460	n
			97.160	n	(P-15049/88; A-3384)	452.470	n
			97.170	n	(P-15049/88; A-3384)	452.480	n
			97.180	n	(P-15049/88; A-3384)	452.490	n
			97.190	n	(P-15049/88; A-3384)	452.500	n
			97.200	n	(P-15049/88; A-3384)	452.510	n
			97.210	n	(P-15049/88; A-3384)	452.520	n
			97.220	n	(P-15049/88; A-3384)	452.530	n
			97.230	n	(P-15049/88; A-3384)	452.540	n
			97.240	n	(P-15049/88; A-3384)	452.550	n
			97.250	n	(P-15049/88; A-3384)	452.560	n
			97.260	n	(P-15049/88; A-3384)	452.570	n
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TITLE 92 (CONT'D)	TITLE 92 (CONT'D)	TITLE 92 (CONT'D)
518.3010 n (PP-7057)	1001.340 am (P-7229)	1235.35 n (P-17045/88; A-4658)
518.4000 n (PP-7057)	1001.360 am (P-7229)	1235.40 n (P-17045/88; A-4658)
518.4005 n (PP-7057)	1001.400 am (P-7229)	1235.45 n (P-17045/88; A-4658)
518.4010 n (PP-7057)	1001.410 am (P-7229)	1235.50 n (P-17045/88; A-4658)
518.4015 n (PP-7057)	1001.420 am (P-7229)	1235.55 n (P-17045/88; A-4658)
518.4020 n (PP-7057)	1001.430 am (P-7229)	1304.10 n (P-1338/88; A-4654)
518.4025 n (PP-7057)	1001.440 am (P-7229)	1435.15 n (P-9070)
518.4030 n (PP-7057)	1001.450 am (P-7229)	1435.20 am (P-9070)
518.4035 n (PP-7057)	1001.460 am (P-7229)	1595.1 n (P-20974/88; A-7566)
518.4040 n (PP-7057)	1001.470 am (P-7229)	1595.5 n (P-20974/88; A-7566)
518.4045 n (PP-7057)	1001.480 am (P-7229)	1595.7 n (P-20974/88; A-7566)
518.4050 n (PP-7057)	1003.20 am (P-20019/88; A-7048)	1595.8 n (P-20974/88; A-7566)
518.4055 n (PP-7057)	1003.30 am (P-20019/88; A-7048)	1595.10 r (P-20978/88; A-7564)
518.4060 n (PP-7057)	1003.40 am (P-20019/88; O-3454; R-7150; A-7048)	1595.20 r (P-20978/88; A-7564)
518.4065 n (PP-7057)	1010.20 n (P-19642/88; A-5173)	1595.30 r (P-20978/88; A-7564)
518.4070 n (PP-7057)	1010.240 am (P-1103; A-7965)	1595.40 r (P-20978/88; A-7564)
518.4075 n (PP-7057)	1010.430 n (P-5655)	1595.50 r (P-20978/88; A-7564)
518.4080 n (PP-7057)	1010.440 n (P-16432/88; A-1598)	1595.60 r (P-20978/88; A-7564)
518.4085 n (PP-7057)	1010.452 n (P-19642/88; A-5173)	1595.70 r (P-20978/88; A-7564)
518.4090 n (PP-7057)	1010.455 n (P-19642/88; A-5173)	1595.80 r (P-20978/88; A-7564)
518.4095 n (PP-7057)	1010.456 n (P-19642/88; A-5173)	1595.90 r (P-20978/88; A-7564)
518.4100 n (PP-7057)	1019.5 n (P-19652/88; A-4944)	1595.100 r (P-20978/88; A-7564)
518.5000 n (PP-7057)	1019.10 n (P-19652/88; A-4944)	1595.110 r (P-20978/88; A-7564)
518 Ex. A (PP-7057)	1019.20 n (P-19652/88; A-4944)	1595.120 r (P-20978/88; A-7564)
534.20 am (P-2760; A-10963)	1019.30 n (P-19652/88; A-4944)	1595.130 r (P-20978/88; A-7564)
534.210 am (P-15952/88; A-1866)	1019.35 n (P-19652/88; A-4944)	1595.140 r (P-20978/88; A-7564)
545.100 n (P-1111; RC-8141)	1019.40 n (P-19652/88; A-4944)	1595.150 r (P-20978/88; A-7564)
545.200 n (P-1111; RC-8141)	1019.45 n (P-19652/88; A-4944)	1595.160 r (P-20978/88; A-7564)
545.300 n (P-1111; RC-8141)	1020.60 n (P-5665)	1595.170 r (P-20978/88; A-7564)
545.400 n (P-1111; RC-8141)	1030.11 n (P-3611)	1605.10 am (P-12673)
708.80 am (P-1503; A-8667)	1030.70 am (P-20768/88; A-7808)	1710.160 am (P-10)
708.90 am (P-1503; A-8667)	1030.85 am (P-2295; A-12978)	1730.15 n (P-9061)
708.180 am (P-1503; A-8667)	1030.86 n (P-17275/88; A-5192)	1730.20 am (P-9061)
1000.10 am (P-3316; A-11844)	1030.88 am (P-7892)	
1000.20 am (P-3316; A-11844)	1030.89 am (P-3324)	
1000.41 n (P-17269/88; A-5185)	1030.94 am (P-3324) (P-3611)	
1000.50 am (P-3316; A-11844)	1040.30 am (P-17259/88; A-5162)	
1000.60 am (P-3316; A-11844)	1040.31 n (P-9490)	
1000.70 n (P-3316; A-11844)	1040.40 am (P-17259/88; A-5162)	
1000.80 r (P-3316; A-11844)	1040.41 n (P-20760/88; A-8659)	
1000.120 am (P-3316; A-11844)	1040.46 am (P-10216)	
1001.30 am (P-7229)	1040.66 n (P-15947/88; A-1593)	
1001.50 am (P-7229)	1040.70 am (P-19636/88; A-7802)	
1001.60 am (P-7229)	1040.100 n (P-20760/88; A-8659)	
1001.70 am (P-7229)	1040.101 n (P-20760/88; A-8659)	
1001.100 am (P-7229)	1205.10 am (P-1665; O-9597; R-11957; A-11460)	
1001.110 am (P-7229)	1206.20 am (P-1671; A-11466)	
1001.210 am (P-7229)	1225.45 am (P-1676; A-11471)	
1001.220 am (P-7229)	1235.10 n (P-17045/88; A-4658)	
1001.230 am (P-7229)	1235.15 n (P-17045/88; A-4658)	
1001.240 am (P-7229)	1235.20 n (P-17045/88; A-4658)	
1001.250 am (P-7229)	1235.25 n (P-17045/88; A-4658)	
1001.260 am (P-7229)	1235.30 n (P-17045/88; A-4658)	
1001.300 am (P-7229)		
1001.320 am (P-7229)		
1001.330 am (P-7229)		

This part of the Sections Affected Index lists only those Sections on which rulemaking is occurring in this issue of the Illinois Register. For previous action on these Sections in this volume of the Register, please refer to the first part of this index which begins on page SAI-1.

TITLE 86		am	(P-13201) (E-13271)
500.101	n		
TITLE 89		am	(P-11701/88; O-13295)
140.110	n		
140.543	n		
140.560	n		
140.561	n		
140.562	n		
230.360	n		
230.362	n		
230.364	n		
230.365	n		
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409.995	n		
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410.010	n		
410.015	n		
410.020	n		
410.025	n		
410.030	n		
410.035	n		
410.040	n		

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